

**SCOTTISH  
NATURAL  
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**No 105**

**Models of National Parks**

**K Bishop<sup>1</sup>, M Green<sup>2</sup> & A Phillips<sup>1</sup>**

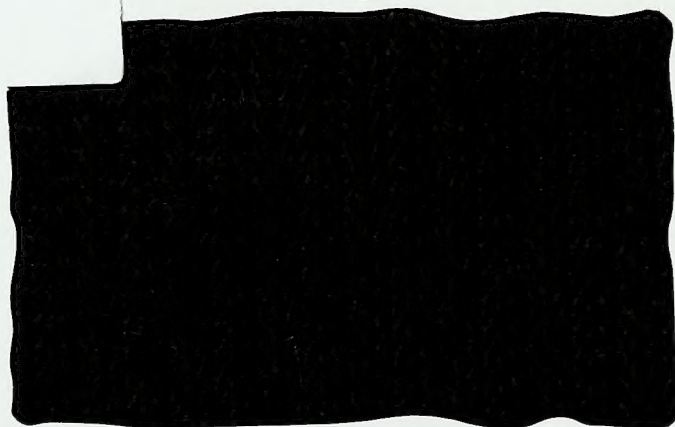
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**R E V I E W**

**NATIONAL PARKS DEBATE**

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**1998**

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This report is one of a series of reviews commissioned by Scottish Natural Heritage (SNH) for the debate about National Parks in Scotland, initiated by Government. Its content does not reflect any policy stance on National Parks and, by making it available, SNH hopes that others will find that it contributes usefully to their thinking on this subject.



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## **PART I: ANALYSIS**

### **CHAPTER 1: INTRODUCTION**

#### **1.1 Background**

*"The Government has decided that there is a major gap in Scotland's designation system in terms of arrangements for the care of a small number of large areas, which are of national importance for their outstanding natural heritage and the opportunities they provide for enjoyment by the public"* (Scottish Natural Heritage, 1998). In September 1997 the Government announced that National Park designation would now be 'the correct way forward for Loch Lomond and the Trossachs, quite probably in the Cairngorms, and possibly in a few other areas as well' (quoted in Scottish Natural Heritage, 1998). Scottish Natural Heritage (SNH) have been asked by the Government to develop proposals for National Parks in Scotland and to present these proposals to Government early in 1999.

To inform its thinking on National Parks, SNH commissioned a research review of the arrangements for National Parks (and other relevant top tier designations) in Britain and other selected countries. The results of this research are presented in this report.

#### **1.2 Terms of Reference**

The purpose of the review was to provide basic information on contemporary models of National Parks and related top-tier designations drawing upon experience in Britain and elsewhere. More particularly, it was requested that we gather information on the following:

- the legislative framework and overall purposes (particularly in respect of sustainable development);
- the process of designation including the opportunity for areas to opt-in to site selection;
- administrative arrangements for the National Park, including where appropriate the structure and staffing of the park body, its powers and main delivery mechanisms;
- key elements in the planning of the National Park (including the role of management plans, use of zonation and involvement of local communities);
- governance (including the appropriate balance between local and national interests);
- sources of funding;
- relationships between the park body and local authorities;
- relationships between the park body and other national agencies responsible for land use and management; and
- relationships with other elements of the national designation system.

#### **1.3 Research Team and Methodology**

The research was undertaken by Dr. Kevin Bishop and Professor Adrian Phillips (Cardiff University) and Dr. Michael Green (Head of Protected Areas at the World Conservation Monitoring Centre) during the period March to May 1998.

Given the short period of time available for the study, the research drew primarily on secondary sources and personal knowledge. It was undertaken as a desk exercise with little

primary data collection in terms of interviews, questionnaires etc. The aim was to prepare a profile of National Park arrangements (and other top tier designations) for each case study country/protected area (see Fig. 1.0) and to use contacts within that country/protected area to check the accuracy of the data collected.

**Figure 1.0. Case Study Countries/Protected Areas**

Country	Categories of Protected Area Studied
England and Wales	National Parks
	Broads Authority
	Sussex Downs Conservation Board
	New Forest Committee
Austria	National Parks
Canada	National Parks
France	National Parks
	Regional Nature Parks
Germany	National Parks
Ireland	National Parks
Italy	National Parks
Netherlands	National Parks
Sweden	National Parks
	Nature Reserves

#### **1.4 Structure of the Report**

The report is divided into two parts. Part I contains material on the power of the National Park idea, categories of protected area and the meaning of the term top-tier designation (chapter 2); an analysis of the data collected for each of the case study protected areas/countries (chapter 3); and a summary of the main findings (chapter 4). Part II (chapters 6-16) provides a country by country/protected area type review of the data collected under a common structure (purposes, selection and establishment, administrative arrangements, powers and policies, funding, management, wider context, references).



## CHAPTER 2: NATIONAL PARKS AND PROTECTED AREAS

### 2.1 Background

The brief from SNH requires us to ‘provide basic information on the contemporary models of National Parks and related top tier designations, drawing upon experience in Britain and elsewhere’. The phrase ‘National Parks and related top tier designations’ also appears at a number of places in the brief. Before presenting the results of our country-by-country survey, it is necessary to review the relationship between National Parks and other protected areas, since this is not straightforward and has been the source of much misunderstanding over the years.

The basic source of guidance in these matters is IUCN, the World Conservation Union, and in particular its World Commission on Protected Areas (WCPA). Through its global membership of 1,300 experts in all aspects of protected areas planning and management, WCPA provides IUCN with best practice advice from around the world. Following the Fourth World Parks Congress in Caracas in 1992, organised by WCPA on behalf of IUCN, IUCN issued guidance in which it defined a protected area thus:

*“an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means” (IUCN, 1994).*

A National Park can therefore be considered as a form of protected area, providing it meets the definition above.

### 2.2 The Power of the National Park Idea

But there is much more to the story than that. The concept of a National Park has always enjoyed a unique standing in conservation and especially in protected areas thinking and practice. The first modern protected area was established in 1872 as a National Park when President Ulysses S. Grant authorised the act setting up the Yellowstone National Park in Wyoming, USA. The ideal represented by Yellowstone, of a large area of apparently natural environment preserved for all time *“for the benefit and enjoyment of the people”*, was based in part on a misconception, since the park area was not a wilderness, but important to the Shone and Crow Indians as a seasonal hunting area. Even so, the idea was very influential. Before the end of the nineteenth century, Yellowstone was followed by the setting up of a number of similar National Parks in the USA, Canada, Australia and New Zealand. In the twentieth century, and especially since 1950, many National Parks have also been set up in what we now call the developing world. For example, numerous parks were established in Latin America with advice from American experts, while in Africa the colonial powers, Britain, France, Belgium and Portugal, were instrumental in creating spectacular wildlife parks before independence. Most newly independent countries have initiated or expanded their National Park network. A common feature of most such National Parks are the twin aims of protection of nature over a large area, with facilities for tourism and recreation; and the usual model is one in which the land is owned and administered by the State.

National Parks arrived in Europe in 1909 with the establishment of the first National Parks in Sweden. Subsequently they have been created in most countries. However, the opportunities in Europe for designating large tracts of relatively empty terrain were limited outside parts of Scandinavia. In Europe, therefore, National Parks tend to be small areas (as in the Netherlands or Ireland), established in areas where conservation objectives are partly compromised by incompatible development or ownership (as in France or Italy), or set up in humanised landscapes (as in England and Wales).

Thus, in Europe especially, National Parks take many forms. But while their characteristics and objectives may vary, they respond to the same ideal. They all embody this simple but compelling concept: *protection plus enjoyment of outstanding places on behalf of the nation as a whole*. This idea makes an appeal to national identity which can be readily understood by the public and at the political level in whatever country. Indeed the use of the word 'national' implies that the people as a whole have an interest in the area, as a "*sort of national property*" (to quote Wordsworth's observations about the Lake District). And many of the landscapes which are protected by National Parks, the Grand Canyon, Ayers Rock (Uluru), Serengeti or the Lake District, for example, are national icons, in which people from the countries concerned take pride. Scotland's own protracted debate on National Parks is also a testimony to the power of the idea: it is hard to imagine any other designation causing as much excitement or controversy over so many years.

However, despite the appeal of the National Park idea, the establishment and management of National Parks has become more controversial over the years. In the past, to the extent that National Parks were established in many countries in places where a local population was non-existent (or, more often, where their interests could be safely ignored), there was often little disadvantage to setting them up. But the problems associated with the alienation of large areas of land from any human use other than recreation have now come to the fore, and in recent years the Yellowstone model of the National Park has encountered growing opposition in many countries. In South America, for example, there are human communities, usually of indigenous peoples, living in 84% of those areas nationally categorised as National Parks, a source of conflict and dispute. The difficulties associated with pursuing conservation policies in such situations have encouraged many countries to revisit their approach to National Parks. Greater emphasis is now put on working with local populations using a range of approaches, including the establishment of buffer or support zones around parks, which are designed to link conservation and sustainable development, and to build partnerships with local stakeholders. It has also encouraged conservationists to give increasing attention to other protected area models in which the human needs of local communities are pursued alongside those of protection and recreation; these include the kind of protected landscapes approach represented by the National Parks of England and Wales.

### **2.3 Categories of Protected Areas**

As a result, in most countries National Parks have now been supplemented by other forms of protected areas, such as nature reserves, national monuments and protected landscapes. Globally there are now more than 30,000 thousand protected areas according with the IUCN definition and held on the database of the World Conservation Monitoring Centre in Cambridge. "*Virtually every country in the world (now) has legal or customary measures for conserving biodiversity through management control over defined areas of land or sea. However, the objectives for establishing and managing these areas range widely*" (Harrison



and Phillips, 1997). Therefore we now find tremendous diversity in protected areas, which have been established under numerous systems of national designations with different titles and often different purposes, although they all meet the basic test of a protected area under the IUCN definition above.

**Figure 2.0. Potential Primary Management Objectives, by category**

Management Objective	Ia	Ib	II	III	IV	V	VI
Scientific research	1	3	2	2	2	2	3
Wilderness protection	2	1	2	3	3	-	2
Preservation of species and genetic diversity	1	2	1	1	1	2	1
Maintenance of environmental services	2	1	1	-	1	2	1
Protection of specific natural/cultural features	-	-	2	1	3	1	3
Tourism and recreation	-	2	1	1	3	1	3
Education	-	-	2	2	2	2	3
Sustainable use of resources from natural ecosystems	-	3	3	-	2	2	1
Maintenance of cultural/traditional attributes	-	-	-	-	-	1	2

Key: 1 Primary objective; 2 Secondary objective;  
 3 Potentially applicable objective; - Not applicable  
 Source: IUCN, 1994

National titles for protected areas have not been used consistently: for example, as we have seen, National Parks in England and Wales mean outstandingly beautiful humanised landscapes which have been occupied and exploited for centuries; thus they are very different from those set up on the Yellowstone model, though arguably no less important in national terms. In order to bring some clarity to the confusion of names and objectives in use around the world, IUCN first developed a series of protected area management categories defined by management objective in 1978. Following a comprehensive review of these, new guidance on protected area management categories was given by IUCN in 1994. This contained the above definition of a protected area, and then went on to explain the importance of categorising protected areas for international purposes by their objectives. The identification of primary and other objectives for protected areas has been used to develop a classification system of six protected area management categories (see Figs. 2.0 and 2.1) which is now becoming increasingly familiar in conservation circles in many countries. In this system, the term National Park has been specifically attached to Category II (Yellowstone-type). However, IUCN recognises that this is only for international purposes and that in many countries the term will continue to be used for protected areas in other categories.

**Figure 2.1. Protected Area Management Categories**

I.	Strict nature reserve - wilderness area; protected area managed mainly for science or wilderness protection.
II.	National Park - protected areas managed mainly for ecosystem protection and recreation.
III	Natural monument - protection area managed mainly for conservation or specific natural features.
IV	Habitat/species Management Area - protected area managed mainly for conservation through management intervention.
V.	Protected landscape/seascape - protected area managed mainly for landscape/seascape conservation and recreation.
VI	Management resource protected area - protected are managed mainly for the sustainable use of natural ecosystems.

Source: IUCN, 1994

In the guidelines, IUCN makes a number of critically important comments on the application of this system, as follows:

- the basis of categorisation is by primary management objective
- assignment to a category is not a comment on management effectiveness
- the categorisation system is intended for international application
- national names may vary
- all categories are important, but
- the categories imply a gradient of human intervention.

The IUCN protected areas management categories system offers a universal framework for planning and management of protected areas. It also provides a useful context in which to consider and compare information gathered from a number of countries, e.g. as under the contract for this study.

## **2.4 Top-tier Designations**

The term 'top-tier designation' does not occur in the IUCN advice. Indeed the advice is that *all* categories are important and the categories system is not hierarchical. Instead, IUCN emphasises the need for countries to develop systems of protected areas, using all appropriate protected area categories.

Nonetheless, the idea of a top-tier designation can be useful by signifying that some areas are given particular attention in terms of strength of protection policy, resource allocation or national publicity, on account of such factors as their importance to conservation, their place in public esteem or their size. In most countries this will indeed be the National Parks: in that sense, *as far as landscape protection and enjoyment are concerned*, the National Parks of England and Wales are comparable to those of, say, Canada, Sweden or USA (although for nature conservation purposes, national nature reserves are the top-tier designation). As requested, in undertaking our research we have focused special attention on these top-tier areas, but would emphasise the IUCN advice that they should be seen only as part of a larger system of protected areas and not planned or managed in isolation.

## **2.5 Conclusion**

National parks are only one kind of protected area. Although IUCN stresses that all its management categories are equally important, the National Park idea has been singularly powerful. While 'National Park' is a term with different meanings in different countries, and a surprisingly large number of National Parks do not meet the criteria of IUCN Category II, it is the case that in practically all countries they signify protection and enjoyment of special places on behalf of the nation as a whole. However, it is now widely appreciated that the achievement of these aims depends in large part upon reconciling them with the needs and aspirations of the people who live in or near the National Parks. This, and the heightened importance now attached to biodiversity conservation, are the principal implications of the sustainable development agenda for all protected areas, including National Parks.

In one sense, Scotland's experience is very unusual. In most countries, National Parks came first and other protected areas were added later. This is the reverse of what is happening in Scotland. Although that means that there is less room for manoeuvre in Scotland in the design of a National Park system, it also means that Scotland has an opportunity to learn from the successes and failures of other countries. The rest of this report assembles the lessons drawn from that experience.





## CHAPTER 3: NATIONAL PARKS AND OTHER PROTECTED AREA MODELS

### 3.1 Introduction

The following comparative analysis of national park/protected area arrangements in selected countries draws upon the more detailed profiles contained in Part II. The analysis is structured around the following themes:

- National Park purposes
- selection and establishment
- administrative arrangements
- powers and policies
- funding
- management
- wider context

The analysis carries two cautionary warnings. First, we are not necessarily comparing like with like: legal systems, style and format of governance, cultural traditions etc. vary country by country and region by region. Secondly, we have examined a limited number of case studies/countries. Thus the findings and conclusions presented must be treated with some degree of caution.

### 3.2 Purposes of National Parks

As Fig. 3.0 illustrates, there is a commonality and a hierarchy between the purposes of national parks in the countries studied. Whilst Fig. 3.0 distinguishes between 'nature' and 'landscape' conservation, in practice this is not a distinction that exists widely across the case study countries. In many European countries there is not the same distinction between nature and landscape conservation as exists in the UK.

National Parks tend to be multi-purpose designations but with a priority towards conservation of the natural environment. In most cases the relative priority between the various objectives is established through planning and/or management policies/practices. In Austria, for example, a zoning system has been adopted in the Hohe Tauern National Park to minimise conflicts between the objectives and uses. A similar system has been developed in the Abruzzo National Park, Italy. In Ireland, the priority between the objectives of 'protecting ecosystems and landscapes of special importance and to provide for public use and enjoyment' is established through the management plan process. The Draft Management Plan for Wicklow Uplands National Park (RPS Cairns, 1997) states that: *"In practice the natural heritage cannot be appreciated by future generations unless it is effectively conserved in the meantime. Therefore if any conflict arises between different objectives, nature conservation must be treated as the over-riding one"* (p. 107).

In some countries (notably Canada and England and Wales) the priority between national park objectives in cases of conflict is established in legislation. The twin aims of Canadian National Parks are: to preserve for all times, areas which contain significant geographical, geological, biological, historic, or scenic features as a national heritage; and to encourage public understanding, appreciation and enjoyment of this natural *heritage so as to leave it*

*unimpaired for future generations* (emphasis added). In England and Wales, the Sandford Principle (enshrined in Section 62(1) of the Environment Act 1995) established that if there is a conflict between the twin purposes of a National Park designation, then greater weight should be attached to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area.

**Figure 3.0. Comparison of National Park Purposes**

Country	IUCN Category	Conservation of Nature	Conservation of Landscape	Public Enjoyment/ Understanding	Socio-economic Development
Austria	V	■	■	■	
Canada	II	■	■	■	○
England and Wales	V	■	■	■	○
France	II	■	■	■	
Germany	II	■	■	■	
Ireland	II	■	■	■	
Italy	II	■	■	■	
Netherlands	II	■	■	■	
Sweden	II	■	■	■	

Key

■ Primary objective

○ Secondary purpose/duty established through legislation or policy framework

NB This table illustrates National Park purposes only

Fig. 3.0 clearly illustrates that National Parks are seen as areas to be conserved and enjoyed (in forms that do not damage or destroy the natural environment). Management policies and plans generally indicate that the emphasis is on ‘quiet’ forms of enjoyment that do not detract from the ‘special qualities’ of such areas. Even where national park objectives include public enjoyment and understanding it does not always follow that the public will have access to all areas in a National Park at all times. Many countries operate a zoning system (temporal and/or spatial) to regulate use and guide management. For example, in the Schleswig-Holsteinisches Wattenmeer (Waddensea) National Park access to the core zone is strictly forbidden unless in exercise of traditional rights. In the Schiermonnikoog National Park in the Netherlands, the core zone, which accounts for more than 50% of the park area, is accessible only outside the bird breeding season (15 April–15 July).

There are very few examples of socio-economic development being a specific objective of National Park designation and where socio-economic objectives are included they are secondary to the main aim of conservation and often relate to the use of such areas for recreation/tourism. In Canada, National Parks are established for: health through outdoor relaxation; heritage preservation through conservation of exceptional natural landscapes and their wildlife; and economic opportunity, through tourism, generating business enterprises in travel and other visitor services, as well as local employment in park management, amongst others (Kun, 1981; Waugh and Perez Gil, 1992). In addition to the primary focus on ‘preserving extensive connected areas of a particular landscape in its natural state’, Swedish National Parks are created to provide for, and encourage, outdoor recreation interests, employment and tourism. In England and Wales, the Environment Act 1995 (Section 62) places on the National Park Authorities a duty to “seek to foster the economic and social

*well-being of local communities within the National Park, but without incurring significant expenditure in doing so, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park”.*

Although not National Parks, the French system of Regional Nature Parks (Parcs Naturels Regionaux) was established as a mechanism to conserve cultural landscapes. The quality of life of the Regional Nature Parks' inhabitants is a priority concern in their management and particular efforts are made to support local economic activities through the promotion of regional produce and products, and by the revitalising of local commercial and industrial life (Cumming and Truscott, 1995a, b and c)). Dwyer (1991) provides an example from the Normandie-Maine Parc Regional where, in the late 1970s, a scheme was developed to promote local cider and perry production. This was achieved primarily by setting up the 'Route du Poire' which encouraged people to visit local cider and perry producers for tasting and purchasing. As well as boosting the income of local businesses, the scheme has also contributed to the protection of an important part of the area's cultural landscape by encouraging farmers to conserve their orchards and the many different fruit varieties contained therein. Through schemes such as this, and others in different Regional Nature Parks, the intention is also to inform and educate local people and tourists about the cultural and historic significance of maintaining traditional economic enterprises. This serves, in particular, to strengthen the support of local communities for conservation, which is seen as an objective which is compatible with the pursuit of their social and economic well-being.

### **3.3 Selection and Establishment**

The process of selecting potential National Park areas varies considerably between, and within, the countries studied (see Fig. 3.1). A number of the countries studied have attempted to relate National Park designation to specific criteria. Canada has been a world leader in ecosystem classifications and evaluations since the early 1960s (Wilken *et al.*, 1998). They have used this to develop a 'National Parks System Plan'. The principle of this plan is to protect outstanding representative samples of each of Canada's natural landscapes (Finkelstein, 1992). Of 68 *natural regions*, the Canadian Parks Service defined 39 terrestrial and 29 marine regions. Following the Endangered Spaces campaign of 1989, the goal is to represent at least one National Park in each region by the year 2000 (Government of Canada, 1991; Kun, 1981). When completed, the National Park system will cover about 3% of the country's area (Canadian protected area coverage is of course greatly extended by the inclusion of the provincial parks system). The natural regions concept is embodied in the Green Plan of 1990.



**Figure 3.1. Process of Selecting National Park Areas**

Country/Protected Area	Selection Criteria in Legislation	National/Federal Level Involvement in Selection	Regional/Local Authority Level Involvement in Selection	Community Involvement
Austria	No specific selection criteria.		The nine provinces are responsible for the selection of national parks.	Limited to consultation once an area has been identified.
England and Wales (National Parks)	No specific selection criteria, but references to striking quality and remoteness of the scenery and opportunities for recreation.	Selection of any new national parks is the responsibility of CC/CW, and confirmed by the Secretary of State.	Formal role of local authorities limited to consultation of any proposed designation order.	Limited to consultation to any proposed designation order.
Canada	No rigid selection criteria but Canada's Green Plan (1991) refers to the need for recognition of all of Canada's ecosystems.	Selection of potential national park areas is the responsibility of Parks Canada, in consultation with federal, provincial and other bodies.	Limited to consultation on Parks Canada's proposals.	Limited to consultation on Parks Canada's proposals.
France (National Parks)	No specific selection criteria.	Preliminary studies and consultations are initiated by the Ministry of Environment.	Extensive consultation involving municipal councils, rural authorities, Chambers of Agriculture, Commerce and Industry etc.	Limited to consultation.
France (Regional Nature Parks)	No specific selection criteria.		Establishment of Regional Nature Parks is initiated by the respective regions.	Formal role through the Charter drawn up by the region, and interested local communes can opt in (or out).
Germany	Federal Nature Conservation Act 1987 sets out certain conditions for the designation of areas as national parks.	Federal legislation provides a legislative framework for the establishment of national parks.	Ministry of Environment in each Länd has responsibility for selection in consultation with local communities and major land user groups.	Limited to consultation.



Ireland	No specific selection criteria.	Selection is by Duchas, the Heritage Service (National Parks and Wildlife) which is part of the Department of Arts, History, Gaeltacht and the Islands. National Park Management Plans contain guidance on land acquisition for national park purposes.	No formal role.	Individual landowners have a key role in that land acquisition for national park purposes is voluntary i.e. refusal to sell can alter the form/extent of a national park.
Italy	No specific selection criteria.	Identification and designation of protected areas (including national parks) is the responsibility of the Committee for Protected Areas, a federal level committee.	Limited to consultation.	Limited to consultation.
Netherlands	No specific selection criteria but selection is based on 21 potential national park areas identified in 1975.	'Voorlopige Commissie nationale Parken' established to address problems of establishing national parks. No legal powers but initiates consultation.	Local government has an important role as national parks are formally established through physical planning regulations.	Limited to consultation.
Sweden (National Parks)	Specific selection criteria e.g. must consist of natural or nearly natural landscapes, cover an area of at least 1,000 ha etc.	Swedish Environment Protection Agency must acquire the land and carry out a detailed inventory of natural and cultural environment and then apply for a decision on national park status by Parliament.	Process of designation is dependent upon local and regional authorities agreeing to the Agency's proposals.	Individual landowners have a key role in that if they refuse to sell their land then the park (or that part of it) cannot be established.

In most other countries studied in this project a national/federal level agency or government department draws up proposals for a national park and then consults with interested parties (e.g. regional and local authorities, local communities, landowners etc.). Germany, Sweden and Austria are notable exceptions to this pattern. In Germany, a country with a federal structure, responsibility for the selection and designation of national parks lies with the Ministry of Environment in each Länd, while the Federal Nature Conservation Act 1987 provides an overall framework which sets out 'conditions' for designation (e.g. the area must be large and singular in character and not affected by human intervention or only to a limited extent). In Sweden, whilst the Swedish Environmental Protection Agency is responsible for the selection and acquisition of national parks, any proposals that it develops must be agreed upon by the relevant regional and local authorities. Responsibility for the selection of national parks in Austria, another federal country, is at the provincial level although the most recent parks to be designated are joint federal/provincial ventures.

Local community involvement in National Park designation is normally limited to consultation on proposals developed by public authorities. However, in Italy the public (including non-governmental organisations) can propose National Park designation for a particular area. In Ireland and Sweden, individual landowners can play a key role in the delineation of National Parks in that if they refuse to sell their land the park cannot be established, or the park boundaries have to be amended.

Canada has significant populations of indigenous peoples<sup>1</sup> (i.e. Inuit [Eskimos] and first Americans [Indians]) in many of the areas of greatest natural value. In the past, protected areas, such as National Parks, have been established in their homelands with minimal consultation; more recently efforts have been made to increase the level of consultations and involve the indigenous peoples in the management of such areas; and most recently there has been an interesting shift as the initiative for setting up such areas has been begun to pass to the indigenous peoples themselves. For example, Inuit peoples have taken the initiative to establish National Parks and other protected areas in their Arctic territories in recent years, in return for guarantees that they will continue to have access to traditional resources, which they harvest sustainably, and for control over revenue generated by the parks, principally through tourism. A similar and well documented process is underway in Australia with the development of Indigenous Protected Areas (IPAs) (Thackway *et al.*, 1996). The success of IPAs depends on effective and equal partnerships between indigenous peoples' associations and conservation agencies. Such partnerships can only succeed when they are based on the recognition of the rights of indigenous peoples, e.g. to information needed to manage their land and natural resources, to be recognised as the traditional stewards of the resources of the area, and to have their traditional knowledge of resource management recognised as equally valid as scientific knowledge. In short, the concept of resource management by indigenous peoples requires first a political recognition of rights, but the evidence from many parts of the world is that if that recognition is provided, indigenous peoples can be as effective as managers of protected areas as are the conventional arrangements involving conservation agencies.

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<sup>1</sup> There is no universally accepted definition of indigenous peoples, but it is generally understood to mean populations which inhabited a country or region in pre-conquest or pre-colonisation times and which retain some or all of their own social, economic, cultural or political institutions.



The French Regional Nature Parks (Parcs Naturels Regionaux) provide an interesting comparison to the process of selection for most National Parks. The system of Regional Nature Parks was established for “... *the protection and enhancement of areas of particular environmental and recreational importance ... which are inhabited rather than predominantly wild landscapes*” (Cumming and Truscott, 1995, p. 9). They embrace a variety of landscapes ranging from the intensively used countryside around Paris to the remote hills and mountains of the Auvergne region in central France. One characteristic shared by all Regional Nature Parks is that the landscapes they contain are vulnerable to changing economic and social circumstances, particularly economic decline, outward migration, and excessive or inappropriate forms of tourism (Adams, 1996). Regional Nature Parks serve a range of functions besides protecting natural and cultural heritage. They are also concerned with social and economic development, welcoming, educating and informing local people and visitors, and carrying out research and monitoring. From the outset, the intention of establishing Regional Nature Parks was to encourage local involvement in management and planning rather than adopting a rigid top-down approach. In this respect their designation and structure of governance differ markedly from other forms of protected area in France, or indeed elsewhere in Europe. Establishment of a Regional Nature Park is initiated by the respective region(s) and local communes have a formal role in the process through the preparation of a Charter drawn up by common agreement. The Charter is a legal arrangement entered into voluntarily by local authorities, businesses and voluntary bodies, initially for a ten year period. Through the Charter, the boundaries of the Regional Nature Parks are delineated and management plans devised.

The most common method of establishment of National Parks (and of the other categories of protected area studied) is for a two tier system of general enabling legislation which defines the broad national park concept and requires, as part of the designation process, site specific ‘legislation’ to tailor the National Park to local circumstances (see Fig. 3.2). The site specific legislation is often used to fine tune the powers, administrative arrangements, basis of funding etc. of the National Park, as well as to define the boundaries. In Sweden, for example, the Nature Conservancy Act 1964 provides for the designation of National Parks but individual parks must be approved by separate Acts of Parliament and a management plan compiled before the park is formally opened by the King (as Head of State). In Italy, Act 394/91 regulates the establishment of National Parks but each park is created under individual legislation which provides the park with its own ‘constitution’ and regulations. In France, there is a general framework for establishing National Parks (Law No. 60.708 Relating to the Creation of National Parks) but each National Park is subject to an individual Decree by the Council of State defining the core and ‘pre-parc’ zones, and adapting the list of prohibited activities to reflect local characteristics/traditions.

The New Forest Heritage Area and National Parks in the Republic of Ireland are established through means other than protected area legislation. The New Forest Heritage Area is to be defined/established through the development plan system (i.e. the New Forest Heritage Area is being identified on the proposals map accompanying relevant development plans, with inclusion of appropriate policies). There is no specific act governing National Parks in the Republic of Ireland. The lands which constitute the five Irish National Parks were acquired for the State by the Office of Public Works and are managed by the National Parks and Wildlife Service under the provisions of the State Property Act 1954 and the State Authorities (Development and Management) Act 1993.

**Figure 3.2. Method of Establishment**

Country/Protected Area	General Enabling Legislation	Site/Area Specific Provision [e.g. legislation, agreements, treaties and ordinances]	Other
Austria		<input type="checkbox"/>	
Canada	<input type="checkbox"/>	<input type="checkbox"/>	
England and Wales			
National Parks	<input type="checkbox"/>		1
Broads Authority		<input type="checkbox"/>	
New Forest Heritage Area			'Designation' via identification in development plans
France			
National Parks	<input type="checkbox"/>	<input type="checkbox"/>	
Regional Nature Parks	<input type="checkbox"/>	<input type="checkbox"/>	Declared by Minister
Germany	<input type="checkbox"/>	<input type="checkbox"/>	
Ireland			Land acquired by the State and managed as a National Park under general legislation relating to State-owned property
Italy	<input type="checkbox"/>	<input type="checkbox"/>	
Netherlands		<input type="checkbox"/>	
Sweden			
National Parks	<input type="checkbox"/>	<input type="checkbox"/>	
Nature Reserves	<input type="checkbox"/>	Not known	

Key: 1 Designation by statutory agency, subject to ministerial confirmation

NB: An entry in both general and site/area specific legislation is on the basis that the site/area specific legislation is used to tailor the format of the National Park/protected area to local circumstances.

### 3.4 Administrative Arrangements

There are a variety of administrative arrangements for national parks (see Fig. 3.3): from a centralised national parks agency to committees and boards involving representatives from national and local authorities and other groups. It is often the case that administrative arrangements involve a combination of both national and local-level authorities/agencies.

Parks Canada is an example of a centralised administration for national parks. It is responsible, through consultation with federal, provincial and territorial authorities, special interest groups, indigenous peoples and the general public at large, for implementing the provisions of the National Parks Act 1930 (as amended). This involves it in policy formulation and new park establishment at head office level, while regional and local offices are responsible, on a day-to-day basis, for planning and management operations. In Sweden there is a strong centralised agency, the Swedish Environmental Protection Agency (Naturvårdsverket), which has responsibility for the selection, establishment and subsequent management of National Parks. Management is undertaken in consultation with county administrations and there are national park management authorities designated by the national agency in consultation with the local administrations.



**Figure 3.3. Administrative Arrangements**

Country	Central Agency	Free Standing Authorities/ Agencies	Administration Within Existing Local Authority Structure	Other
Austria		□		
Canada	□			
England and Wales				
National Parks		□		
Broads Authority		□		
New Forest Heritage Area			□	
Sussex Downs Cons. Board			□	
France				
National Parks		□		
Regional Nature Parks				1
Germany		□		2
Ireland	□			
Italy		□		
Netherlands		□		
Sweden				
National Parks	□	□		
Nature Reserves			□	

Key: 1 Administrative arrangements for French Regional Nature Parks can vary according to each Park 2 Single authority for all National Parks in Mecklenburg-Vorpommern  
NB An entry in more than one column indicates divided administrative arrangements

There is considerable variation in the format of free-standing park authorities/agencies. In England and Wales, the Environment Act 1995 (Sections 63-64) provided for the establishment, by order of the Secretary of State, of new National Park Authorities (NPAs) to replace the then existing National Park Committees and Boards. The new NPAs are free-standing bodies corporate and executive within the local government framework. The 1995 Act's provisions about purposes apply in both countries, but there are some differences between English and Welsh NPAs. The 1995 Act introduces new arrangements for NPA membership (Section 63 and Schedule 7). The proportion of different categories of members differs for National Parks in England and Wales. The membership of NPAs in England is as follows:

- half of the authority's members plus one will be appointed by local authorities (district and county councils) with land in the Park;
- the remainder will be appointed by the Secretary of State of whom one half minus one will be drawn from parishes within the Park.

The arrangements are the same in Wales except that no set proportion of the Secretary of State's appointees are required to be drawn from communities (the Welsh equivalent of English parishes) within the Park. The NPA oversees the work of its officers and is the decision-making body for park policies and development control.

In Germany the sovereign responsibility for each National Park lies with the respective Länd, within which there are three levels of administration: ministerial, regional offices (*Regierungspräsidenten*) and district authorities (*Kreise*) in consultation with the municipalities (*Gemeinde*). Arrangements for national park administration vary considerably both within and between different Länder. National parks are administered by a specifically created Authority which, in most Länder, operates at the ministerial level. Land use regulations and permits are not always administered by the national park authority. There is considerable variation in the staffing levels of each park authority. Bayerischer Wald National Park Authority, for example, employs 135 staff, 55 working on interpretation, guidance and technical maintenance, 45 involved with administration, 25 working on conservation management, and ten on research. Within each Länd there is a Council for Nature Conservation and Landscape Management, which operates at the ministerial, district and local levels and acts as an advisory body to the national park authorities. The boards for these councils are drawn from a wide range of bodies including local communities, municipalities, trade and agriculture organisations, scientific bodies and conservation organisations.

In Italy, each National Park has its own constitution and management authority. Administration is the overall responsibility of a Park Society (*Ente Parco*) which is supervised by the Minister for Environment (in co-operation with the Minister for Merchant Navy in the case of marine sites). The Society consists of a President, a Board, an Executive Committee, Council of Auditors and the Park Community. The Board comprises the President (of the National Park) and twelve other members expert in the field of nature conservation. It is responsible for all general issues, including finance. The President represents the National Park, co-ordinates its activities and takes responsibility for the Board's decisions. The Park Director heads the administration and is responsible for addressing tasks set by the Minister of Environment. The Park Community consists of the presidents of the regions and provinces covered by the park and mayors of constituent communes. The Park Community has an input to the National Park order (*Regolamento del Parco*), the National Park plan (*Piano per il Parco*) and multi-annual economic and social plan (*Iniziativa per al Promozione Economica e Sociale*).

In France, the National Park authorities are public institutions under the authority of the Ministry of Environment. Each has a Board of Directors, the total membership of which is fixed by decree and ranges from 27 to 50. Members are drawn from state departments (e.g. Agriculture, Environment, Home Office, Industry, Tourism, Health), local communities (elected representatives from municipalities, regions and departments) and National Park staff. They also include technical experts appointed by the Ministry of Environment, two from the National Nature Conservation Centre, and one each from the National Museum of Natural History and the National Centre for Scientific Research. The Board decides how the National Park is to be regulated and managed. Day-to-day administration is the responsibility of the Executive Director who is nominated by the Ministry of Environment and reports directly to the Board. The number of staff employed by the Boards ranges from 24 to 70. In contrast to the arrangements for national park authorities, the administrative arrangements for Regional Nature Parks are very varied. Most Regional Nature Parks are managed by a public body, i.e. a board comprising voluntary representatives from the departments, municipalities and professional organisations. The board oversees the work of a director. However, not all Regional Nature Parks follow this arrangement: for example, the Camargue is managed by a private foundation with government representation and the Lorraine and Ballons des Vosges



are managed by regional NGOs. Also, the Charter which effectively establishes the Regional Nature Park is for a fixed period of ten years, after which it is to be reviewed.

In Austria, national park administration is shared between the provincial authorities and national park authorities. Provincial nature conservation agencies are responsible for the administration of protected areas, covering planning, designation and management. Conservation is part of the general administration undertaken by the Office of the Provincial Government (Amt der Landesregierung). Day-to-day responsibility is delegated to the relevant departments in the provinces (i.e. Agriculture, Cultural Affairs, Physical Planning and Justice). There is also an Honorary Council (Beirat) for Nature Conservation; with an Honorary Adviser (Konsulent) appointed by the provincial government to each district. Members of the Provincial Council are elected from different sectors, such as the Board of Agriculture (Landwirtschaftskammer), Board of Labour (Kammer für Arbeiter und Angestellte), and Boards for the Economy, Natural History, Forestry, Tourism, Hunting and Fisheries. Whereas designation and establishment of a National Park, and all matters concerned with boundaries and zoning, are administered by the provincial government, all other matters (e.g. permits, scientific work, monitoring, environmental education) are administered by the national park authority. Formulation of the management plan, regulation of land use (forestry and agriculture), tourism, habitat and game management are also the responsibility of the national park authority.

The Sussex Downs Conservation Board is a joint committee established, within the framework of local government, under Section 102 of the Local Government Act 1972. The 36 members of the Conservation Board are appointed/nominated by the constituent local authorities and the Countryside Commission (which is required to consult a range of organisations for nominations to the Board, eight of which are national, two are regional and six are Sussex-based). The Board appoints an independent chairman who becomes an additional member of the Board. With two-thirds of the membership of the Board being appointed by local authorities and representation of local interests within the Countryside Commission appointees, the Board has strong local links. Elected members attending Sussex Downs Conservation Board meetings are expected to take decisions in the best interests of the Board rather than as delegates from the local authorities, though they naturally bring with them their own experience of issues affecting the Downs (Green Balance, 1996). The Board currently employs, directly or on secondment, 30 staff.

The New Forest Committee is a non-statutory body set up in 1990 following the New Forest Review (1989). The Committee was established through a Memorandum of Agreement of the main committee members. In legal terms it is an unincorporated voluntary association and, as such, cannot act as a legal entity in its own name (i.e. it cannot employ staff or enter into any other form of undertaking). It consists of officers employed by, and councillors representing, the main statutory organisations (local authorities, statutory agencies and the Verderers) with responsibilities within the New Forest with an independent chairman.



### 3.5 Powers and Policies

**Figure 3.4. Main Method(s) of Regulation/Protection**

Country/Protected Area	Main Method(s) of Regulation/Protection
Austria	<ul style="list-style-type: none"> <li>- land use regulation (catalogue of prohibited uses)</li> <li>- zoning system</li> </ul>
Canada	<ul style="list-style-type: none"> <li>- public ownership</li> <li>- treaties allowing for renewable resource harvesting in areas affected by indigenous peoples</li> <li>- zoning system with different levels of use and management</li> <li>- land use planning</li> </ul>
England and Wales National Parks	<ul style="list-style-type: none"> <li>- land use planning</li> <li>- financial incentives (though these may not be in the direct control of NPAs e.g. agri-environment schemes, Woodland Grant Scheme)</li> </ul>
Broads Authority	<ul style="list-style-type: none"> <li>- advice to private landowners</li> <li>- land use planning</li> <li>- navigation powers</li> <li>- financial incentives (though these may not be in the direct control of the Broads Authority e.g. agri-environment schemes)</li> </ul>
New Forest Heritage Area	<ul style="list-style-type: none"> <li>- advice to private landowners</li> <li>- land use planning</li> <li>- persuasion and advice through the activities of the New Forest Committee</li> </ul>
Sussex Downs Conservation Board	<ul style="list-style-type: none"> <li>- land ownership by the Forestry Commission (Forest Enterprise)</li> <li>- land use planning controls associated with AONB designation</li> <li>- countryside management service</li> <li>- persuasion and advice through the activities of the Board</li> </ul>
France National Parks	<ul style="list-style-type: none"> <li>- Decree (for each National Park) listing prohibited activities</li> <li>- key role of the National Park Board in determining the pattern of regulation and policy development</li> </ul>
Regional Nature Parks	<ul style="list-style-type: none"> <li>- format of control varies between 'core' 'pre-parc'</li> <li>- special development plan for each Park aimed at maintaining and preserving the traditional landscape, which is codified through the Charter</li> <li>- concentration on local management initiatives working through communes, farmers groups etc.</li> </ul>
Germany	<ul style="list-style-type: none"> <li>- public ownership of National Park land (or other 'favourable' conservation body e.g. NGO)</li> <li>- format of regulation/methods of protection vary according to Länd</li> </ul>
Ireland	<ul style="list-style-type: none"> <li>- public ownership of core National Park land</li> <li>- informal 'buffers' around some of the National Parks e.g. the Forest Service have refused forestry grants in areas around Wicklow National Park on the grounds that the planting schemes would conflict with nature conservation</li> </ul>
Italy	<ul style="list-style-type: none"> <li>- public ownership of about 60-90% of all National Park land</li> <li>- National Park order (<i>Regolamento del Parco</i>) and National Park plan (<i>Piano per il Parco</i>) include regulations concerning private land use, construction of buildings and use of the park by visitors. Such regulations are legally binding.</li> </ul>

Netherlands	- predominantly through public ownership of land (or other 'favourable' conservation body e.g. private nature conservation foundations)
Sweden	
National Parks	- public ownership of land - strict controls preventing forest felling, hunting, trapping, damage to soil or other vegetation and camping and lighting fires outside authorised areas
Nature Reserves	- area specific management regulations

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Fig. 3.4 indicates the main method(s) of protection for the National Parks in the case study countries. It clearly illustrates the importance of public ownership of land in countries such as Canada, Germany, Ireland, the Netherlands and Sweden. In all these countries public ownership of land is a key element of national park establishment and avoids the need for complex systems of land use regulation, as with National Parks in England and Wales. In countries where private ownership of land is possible within a National Park (e.g. Austria, France and Italy) the park authorities rely upon legally enforceable lists of prohibited actions or uses. For example, in Italy the National Park order (Regolamento del Parco) regulates activities such as the construction of houses and other buildings, the use of park by visitors etc. However, the order does not affect the traditional rights of local people such as hunting and plant collecting. In France, there is a general decree containing a list of prohibited activities, upon which the decrees establishing an individual national park draw as suits local circumstances. In Sweden, the regulations governing the use of National Parks prohibit the felling of trees, hunting, trapping, damage to soil or other vegetation and camping and lighting fires outside authorised areas. It is normal practice for the policies and uses permitted to vary according to the management zone. In Canada, for example, the use of motorised vehicles is not allowed in the Special Preservation and Wilderness Zones.

### 3.6 Funding

All the national parks (as opposed to other forms of protected area) included in this study receive funding from central government in recognition of their 'national' importance. The level of central government funding ranges from 50% to 100% in the case of Ireland (though the Irish Government has benefited from EU funding for land acquisition within certain national parks). The remaining costs are borne by a mix of regional/local authority funding, revenue raising by the respective national park authority (e.g. sales to visitors, grants from European Commission) and private sector finance (mostly in the form of contributions from NGOs or private conservation foundations) (see Fig. 3.5).

**Figure 3.5. Arrangements for Protected Area Funding**

Country/Protected Area	Arrangements for Funding
Austria	<ul style="list-style-type: none"> <li>in general about 50% of the recurrent expenses of National Parks is covered by the Federal Ministry of Environment, with the remaining 50% provided by the respective Länd</li> </ul>
Canada	<ul style="list-style-type: none"> <li>approximately 70% of expenditure on National Parks is channelled through Parks Canada with the remaining 30% coming from provincial authorities</li> </ul>
England and Wales National Parks	<ul style="list-style-type: none"> <li>central government grant to cover 75% of agreed expenditure</li> <li>power to levy constituent local authorities for remaining 25%</li> <li>can also raise revenue from sale of goods and services and bids for EU and other funds</li> <li>borrowing to fund capital investments dependent upon credit approval from Secretary of State</li> </ul>
Broads Authority	<ul style="list-style-type: none"> <li>central government grant to cover 75% of agreed expenditure</li> <li>remaining 25% is provided by the constituent local authorities</li> <li>can also raise revenue from sale of goods and services and bids for EU and other funds</li> <li>borrowing to fund capital investments dependent upon credit approval from Secretary of State</li> </ul>
New Forest Heritage Area	<ul style="list-style-type: none"> <li>the New Forest Committee is funded, on a voluntary basis, by its members (a mix of public sector agencies and local authorities)</li> </ul>
Sussex Downs Conservation Board	<ul style="list-style-type: none"> <li>Countryside Commission grant to cover 50% of agreed budget</li> <li>contributions from East and West Sussex County Councils to cover remaining 50%</li> </ul>
France National Parks	<ul style="list-style-type: none"> <li>funded mainly by the state (approximately 90%), with some contributions from local communities and income generated from sales and services (primarily to visitors)</li> </ul>
Regional Nature Parks	<ul style="list-style-type: none"> <li>40% from the regions</li> <li>27% from departments</li> <li>20% from communes within the regional nature park</li> <li>10% from the Ministry of Environment</li> <li>3% other</li> </ul>
Germany	<ul style="list-style-type: none"> <li>National Parks are funded mainly by the Länd, with some revenue raised from visitors</li> <li>there is a Federal Government budget for 'areas of national importance' (i.e. not restricted to National Parks) which has been ostensibly used to fund the establishment of new National Parks in the former East Germany</li> </ul>
Ireland	<ul style="list-style-type: none"> <li>management costs are funded at central government level through the Department of Arts, Heritage, Gaeltacht and the Islands</li> <li>Ireland has used EU funding to subsidise the cost of land acquisition associated with the establishment of more recent National Parks (e.g. Wicklow)</li> </ul>
Italy	<ul style="list-style-type: none"> <li>in general, funds are provided by the state and the regional authorities</li> <li>some parks (e.g. Abruzzo) derive additional income from visitors and private organisations</li> </ul>



Country/Protected Area	Arrangements for Funding
Austria	<ul style="list-style-type: none"> <li>in general about 50% of the recurrent expenses of National Parks is covered by the Federal Ministry of Environment, with the remaining 50% provided by the respective Länd</li> </ul>
Netherlands	<ul style="list-style-type: none"> <li>public and private contributions to National Park costs. The Minister of Agriculture, Nature Management and Fishery is authorised, by decree, to subsidise establishment, management, education and scientific research costs associated with National Parks. The private sector (in the form of private conservation foundations) also contributes to the funding of certain National Parks</li> </ul>
Sweden	
National Parks	<ul style="list-style-type: none"> <li>almost all costs are borne by central government through the Swedish Environmental Protection Agency</li> </ul>
Nature Reserves	<ul style="list-style-type: none"> <li>costs shared between the 24 county administrations and the Swedish Environment Protection Agencies which provides grants for management,</li> </ul>

### 3.7 Management

Fig. 3.6 illustrates the central role played by the national park plan or management plan in the designation of national parks and the widespread adoption of zoning as a planning and management tool in continental national parks. What Fig. 3.6 does not illustrate is the wide variation in the format of national park plans/management plans. In some countries they are a legal requirement and part of the designation process (e.g. Sweden), in others they are non-statutory (e.g. Ireland) and some take the form of corporate plans outlining a vision for the National Park (e.g. England and Wales), whereas others are more specifically tied to management prescriptions (e.g. Canada).

In England and Wales, Section 66 of the Environment Act 1995 requires NPAs to prepare and publish National Park Management Plans. The aim of these documents is to provide a long-term vision for the park which adopts sustainability as an underlying principle and acts as a basis for influencing the activity of other bodies/individuals with interests in the National Park (Countryside Commission, 1997b). In Italy, the Park Society (*Ente Parco*) is required to produce two plans: a National Park plan (*Piano per il Parco*) which sets out the regulatory framework for the conservation and enjoyment of the park, and a multi-annual economic and social plan (*Iniziativa per la Promozione Economica e Sociale*) which provides a framework for the 'sustainable development' of the park and its adjacent areas. However, only one management plan has been drafted to-date for an Italian National Park.

In Austria, National Park management plans have a narrower focus – they provide a framework for the management of the park normally based on an inventory of natural features.

In most cases, national park plans/management plans are prepared by the respective national park authority in consultation with interested parties (e.g. local authorities, local communities). In Ireland and Italy, however, the draft management plans produced to date have been commissioned by the National Parks and Wildlife Service and prepared by private sector consultants.

In all the countries studied (except England and Wales) a zoning system has been adopted to guide management of the national park/protected area (see Fig. 3.6), with the zones often being delineated through the national park plan/management plan process. The format of the zones and the associated management prescriptions vary according to country and by protected area. Canada operates an integrated zoning system by which land and water areas are classified according to ecosystem and cultural resource protection requirements, and their capability and suitability for providing opportunities for visitor experiences. Land in Canadian National Parks is zoned according to five categories:

- Zone I: Special Protection
- Zone II: Wilderness
- Zone III: Natural Environment
- Zone IV: Outdoor Recreation
- Zone V: Park Services

Any change to a National Park’s zonation constitutes a major amendment to the management plan and can only be made after completion of an environmental assessment, public notice and public participation in the decision.

**Figure 3.6. Management Provisions**

Country/Protected Area	National Park Plan/Management Plan	Zoning System to Guide Management	Countryside Management Service (e.g. Ranger, Warden or similar service)
Austria	■	■	○
Canada	■	■	■
England and Wales			
National Parks	■		■
Broads Authority	1		■
New Forest Heritage Area	1		
Sussex Downs Cons. Board	■		■
France			
National Parks	■	■	■
Regional Nature Parks	■	Not known	
Germany	■	■	■
Ireland	■	■	■
Italy (1)	■	■	○
Netherlands	■	■	○
Sweden			
National Parks	■	Not known	Not known
Nature Reserves	■		

- Key    ○    Information based on one or two national parks rather than for all national parks in the case study country
- 1    Only one management plan has been drafted to-date

Most national park authorities (be they central agencies or local bodies) operate some form of countryside management service but there is considerable variation in the scale and function of such ‘services’. All national park authorities in England and Wales operate a ranger or warden



service which performs a multiplicity of roles from guiding walkers to undertaking practical conservation projects. In the Hohe Tauern National Park, Austria there is a ranger service similar to those operating in England and Wales. The Abruzzo National Park, Italy employs some 59 staff, of which eleven are involved in technical maintenance and 13 in interpretation (provision of information for visitors, guided walks etc.).

### 3.8 Wider Context

National parks do not exist in isolation: there is a growing awareness of this fact, and the need to place to such areas within national protected area system plans or strategies. A number of countries (notably Austria, Canada, Italy, and the Netherlands) have initiatives in place or are developing such 'system plans'.

In Austria, a National Park Concept, 'Nationalpark 2000', has been formulated but awaits approval prior to publication. The concept provides general guidelines in relation to the application of the IUCN protected area management categories, the representation of Austrian natural heritage within protected areas and the involvement of local people. It also sets priorities for the purchase of land for future National Parks, regulates compensation for land owners, defines the budget, identifies responsibilities, and outlines procedures for park establishment and management, which include zoning, protection by land purchase and land use. Finally, it outlines rights of public access and the infrastructure for recreation in accordance with conservation aims, as well as research and education.

Canada has probably the most developed system of protected area planning of the countries studied. Parks Canada has produced a 'Strategic Framework to Sustain the Integrity of Ecosystems' which aims to extend the principles of sustainable management beyond the boundaries of individual protected areas and ensure that such areas are seen as integral part of whole ecosystems rather than islands of conservation. In addition, the establishment of a representative system of National Parks (as outlined in the 'National Parks System Plan') is being complemented by protected area system plans adopted by provincial jurisdictions. For example, the British Columbia Government has a Protected Areas Strategy which commits it to doubling the area covered by protected and wilderness areas by the year 2000 in order to reach a target of protecting 12% of its land area.

In Italy, Act 394/91 provides for the establishment of a protected areas system of international, national and regional importance by means of a three-year Plan (*Programma Triennale per le Aree Naturali Protette*). National parks are key elements of the national planning system of protected areas, as defined in this plan. Selection of protected areas is based on the recommendations of the Technical Council and the Committee for Protected Areas. The Plan contains an inventory of areas of international, national and regional importance, which have already been specified under current law. It sets a time frame for the establishment of new protected areas or the extension of existing ones, and specifies a budget for each site, and each financial enterprise, including financial incentives for sustainable agriculture that enhances nature conservation. It also sets criteria and provides guidelines for the authorities responsible for establishing and managing these protected areas. Implementation of the plan is supervised by the Minister for Environment, who can recommend any necessary changes to the Committee. The Minister also has authority to enforce implementation of any aspects of the plan which have not been executed within the requisite time-frame. Establishment of a new National Park may be proposed by the Minister



of Environment, the Committee for Protected Areas, a recognised NGO, or by the public if its petition is signed by at least 5,000 people.

The development of protected areas in the Netherlands has increasingly been guided in recent years by its 'Nature Policy Plan' (Ministry of Agriculture, Nature Management and Fisheries, The Hague, 1990). This plan is one of three national environmental plans (the others dealing with water management and environmental policy) which together shape Dutch policy on the environment. It seeks to reverse the decline in nature conservation values, particularly that caused by fragmentation of habitats in the intensively farmed and urbanised Dutch landscape, through the development of a national ecological network. This emphasises the strict protection of core areas, the development of buffer zones around them and of corridors between them; it also calls for ecological restoration in areas of damaged ecology. Particularly through the attention given to core areas, which normally need to be at least 500 ha in extent, the strategy will affect the location of new parks and reserves in future, as well as the design and management of all protected areas. All ten existing National Parks are incorporated into the network, which has been expressed in mapped form, and which is also used to guide policy in other sectors affecting the environment, such as agriculture, forestry and water management. The Dutch experience has been projected onto the European scale through the EECONET (European Ecological Network) initiative (Bennett, 1991). These ideas in turn have found their way into the Pan-European Biological and Landscape Diversity Strategy adopted by Europe's Environment Ministers in October 1995 (Council of Europe, 1996; McCloskey, 1996). In particular, Action Theme 1 of the strategy aims to establish the Pan-European Ecological Network, which takes EECONET as one of its guiding principles, but incorporates also Natura 2000 sites. As with the Dutch example, the network is to be made up of core areas, buffer zones, corridors or stepping stones, and restoration areas; this is in line with much current literature on conservation biology.

## CHAPTER 4: SUMMARY

The concept of a national park has always enjoyed a special standing in conservation, and especially in protected areas thinking and practice. Whilst IUCN stresses that all of its management categories are equally important, the national park idea has been singularly powerful. Whilst the term 'National Park' has different meanings in different countries – and a surprisingly large number of them do not qualify under IUCN Category II (National Parks managed mainly for ecosystem protection and recreation) – there are two common features:

- National Parks are designated to conserve 'special places'; and
- this conservation is for the benefit of the nation as a whole (i.e. public enjoyment and understanding are an integral part of the purpose of National Parks)

In all the countries studied there is a hierarchical relationship between the purposes of National Parks: in circumstances of irreconcilable conflict between the interests of conservation and those of recreation, conservation takes precedence.

National parks are established as a mechanism to conserve rather than to develop. Nevertheless, in most of the countries studied, there is explicit recognition (often manifest in national park management plans) of the socio-economic benefits of National Parks, and the economic benefits that can accrue through public enjoyment of these areas. We encountered very few examples of socio-economic development being a specific objective of national park designation. The exceptions are Canada, England and Wales, and Sweden but even in these countries socio-economic development is seen as a secondary objective.

The process of selection and establishment varies considerably between and within the countries studied. It is possible to identify a growing trend towards protected areas system planning and, though not necessarily related, an attempt to rationalise the selection process by making designation dependent upon certain criteria (see, for example, the profiles of Canada and Sweden).

The selection process is mainly a top-down process, with national/state level agencies or government departments drawing up proposals for a National Park and then consulting with interested parties, e.g. regional and local authorities, local communities, landowners. Some examples of local community involvement in the selection and establishment of National Parks can lead to limitations in the sense that local landowners are able to alter the format or extent of a National Park by refusing to sell their land (see the chapters on Ireland and Sweden for further details). The French Regional Nature Parks provide an interesting contrast to this model, and an example of positive community involvement: establishment of a Regional Nature Park is initiated by the respective region(s), and, the local communes have a formal role in the process through the preparation of a Charter drawn up by common agreement.

The most common method of establishment for National Parks (and the other categories of protected area studied) is a two tier system of general, enabling legislation which defines the broad national park concept, and, which requires, as part of the designation process, site specific legislation, decrees or orders to tailor the National Park to local circumstances. The site specific provision is often used to alter the powers, administrative arrangements, basis of funding etc. of the National Park to suit local circumstances. Whilst not exactly following the



two tier model of establishment, the Broads Authority is a good example of an authority which benefits from tailor-made legislation.

There are a variety of administrative arrangements for National Parks from a centralised national parks agency to committees and boards involving representatives from national and local authorities and other groups. Centralised agencies have been adopted as an administrative model in countries where National Park land is owned by the State. Even in these circumstances there is almost always a regional or park level office. The board, committee or independent authority model has been adopted most extensively in countries which have National Parks which follow IUCN's Category V (a protected landscape/seascape managed mainly for conservation/recreation). It is interesting to note that there appears to be a desire (on the part of protected area managers) to ensure that the park body has as wide a range of powers as possible, even if some of these powers are then delegated to local authorities (e.g. the Broads Authority delegates its planning functions to constituent local authorities).

Almost all park-level authorities (be they part of the local government structure or an independent authority) bring together representatives of national and local organisations. Most have their own budgets and the power to employ staff, formulate and implement policies, and carry out management works.

The study identified four main methods of protection for the National Parks in the case study countries:

- Public ownership of National Park land – e.g. Canada, Germany, Ireland, Netherlands and Sweden
- Legally enforceable lists of prohibited actions – e.g. Austria, France and Italy
- Regulation through land use planning – e.g. England and Wales
- Positive management works

These methods are not mutually exclusive.

All the National Parks included in this study receive funding from central government in recognition of their national importance. The level of central government funding ranges from 50% to 100%. In countries, such as Ireland, where State ownership of land is the main mechanism for National Park establishment, then National Parks tend to be funded 100% centrally (though Ireland has benefited from EU assistance in the purchase of certain key habitats). Where State funding is less than 100%, then the remaining costs are borne by a mix of regional/local authorities, revenue raising by the respective national park authorities and private sector finance (e.g. contributions from NGOs).

In all the countries studied, there is considerable emphasis on the preparation of a national park plan/management plan to provide a long-term vision for the area and a strategic framework for day-to-day management. The format of these plans varies greatly: in some countries (e.g. Sweden) their production is part of the designation process; in others they are non-statutory (e.g. Ireland); some take the form of corporate plans outlining a vision for a National Park (e.g. England and Wales); and others are more specifically tied to management prescriptions (e.g. Canada). The vast majority of these plans adopt an explicit zoning system to guide management.



## PART II: COUNTRY/PROTECTED AREAS PROFILES

### CHAPTER 5: NATIONAL PARKS IN ENGLAND AND WALES

*There are ten National Parks in England and Wales (excluding the Broads (see chapter 6)) covering over 13,700 km<sup>2</sup>.*

#### 5.1 Purposes

The revised National Park purposes, as set out in Section 61(1) of the Environment Act 1995 (hereafter referred to as the 1995 Act) are:

- a) to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and
- b) to promote opportunities for the understanding and enjoyment of the special qualities [of the Parks] by the public.

In pursuing these purposes, Section 62 of the 1995 Act places on the National Park Authorities a duty to 'seek to foster the economic and social well-being of local communities within the National Park, but without incurring significant expenditure in doing so, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park'.

The new first purpose is wider in scope than the wording originally contained in the National Parks and Access to the Countryside Act 1949 Act (hereafter referred to as the 1949 Act) which referred to 'preserving and enhancing the natural beauty of the area'. Whilst the term 'natural beauty' is defined in the 1949 Act (Section 114(2)) as 'including flora, fauna, and geological and physiographical features'; it has tended to be interpreted as a largely visual concept (National Parks Review Panel, 1991). The new purpose makes it clear that NPAs must take an active interest in conserving wildlife and the cultural traditions which mark the individual characteristics of each Park.

The revised second purpose of National Parks refers to the 'special qualities' of the Parks. This form of words was used to overcome debate about whether the second purpose should refer explicitly to the promotion of quiet enjoyment. The National Parks Review Panel (1991) had recommended that the second purpose should be revised to read '*to promote the quiet enjoyment and understanding of the area insofar as it is not in conflict with the primary purpose of conservation*' (p. 11). This recommendation proved impossible to implement in legislation because, despite considerable support, an agreed legal definition for the expression could not be found. The Government stated that they continued to support the National Parks Review Panel's recommendations on quiet enjoyment and would include 'tranquillity' as one of the special qualities of the Parks in a new circular on National Parks.

Thus Circular 12/96 (DoE, 1996a) requires individual NPAs to identify the special qualities which make their National Park unique:

*"These qualities will be determined within the context of each Park's natural beauty, wildlife and cultural heritage and the national purpose of the Parks to conserve and enhance them. Particular emphasis should be placed on*

*identifying those qualities associated with their wide open spaces, and the wildness and tranquillity which are to be found within them” (DoE, 1996a, para. 11).*

### **Case Study: The ‘Special Qualities’ of Snowdonia National Park**

As required by Government guidance the Eryri Local Plan identifies the special qualities which make Snowdonia unique, these are:

- *The cleanliness of the environment and the quality of the air and the water.*
- *The range and relationship of high quality unspoilt landscapes, scenery and views, as typified by the grandeur and wildness of the mountains and the spectacle of water.*
- *The existence of a wide range of important and rare wildlife and habitats.*
- *The individuality and distinctiveness of the area’s Welsh culture and history and the conspicuous presence and use of the Welsh language in day to day life.*
- *The pattern, low density and lack of homogeneity of development and land use.*
- *The sense of place created by natural colours and the textures of stone and slate reflected in the scale and detail of traditional buildings and structures.*
- *The intimacy of the landscape and feeling of minimal change and continuity.*
- *The range and quality of the natural resources available for quiet outdoor recreation, in particular the opportunities for walking.*
- *The scope for contact with nature and the ability to experience solitude and tranquillity coupled with the personal challenges the Park’s resources and environment provide for leisure activities.*

Source: Snowdonia National Park Authority, 1997, p.13.

The ‘Sandford Principle’ is given statutory authority by the 1995 Act Section 62(1)) which inserts a new Section 11A(2) into the 1949 Act. This new section states that if there is a conflict between the twin purposes of National Park designation, then greater weight should be attached to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area.

### *Duty to Have Regard to Purposes of National Parks*

The National Parks Review Panel (1991) recommended that ‘there should be a statutory duty placed on all Ministers, government departments and public bodies, in the exercise of their duties as they affect National Parks, to further National Park purposes’ (p. 106). Section 62 of the 1995 Act places a general duty upon any ‘relevant authority’ to have regard to the revised purposes of National Parks. ‘Relevant authority’ is taken to mean Ministers, public bodies (defined as any local authority, joint board or joint committee and any NPA), statutory undertakers and anyone holding public office. The aim is to ensure that such bodies take account of National Park purposes when coming to decisions or carrying out their activities relating to or affecting land within the Parks (DoE, 1996a). Relevant authorities are ‘expected to be able to demonstrate that they have fulfilled this duty’ (DoE, 1996a, para. 19).

## **5.2 Selection and Establishment**

In order to understand the current provisions for National Parks in England and Wales it is necessary to describe, in outline, the history and nature of National Parks in England and Wales prior to the 1995 Act.



The origins of National Parks in England and Wales can be found in a wide range of pressure groups, each with slightly differing motivations for conserving the countryside (Bishop *et al.*, forthcoming). As early as 1810 William Wordsworth was describing the Lake District as “... a sort of national property, in which every man has a right and interest who has an eye to perceive and a heart to enjoy”.

Pressure from voluntary groups, such as the Council for the Protection of Rural England and the Standing Committee on National Parks (an umbrella organisation consisting of representatives from most of the pressure groups lobbying for the establishment of National Parks), led the Ministry of Works and Planning to commission John Dower to study the problems relating to the establishment of National Parks in England and Wales. His report “National Parks in England and Wales” was published in 1945 and defined a National Park, in application to Great Britain, as:

*“an extensive area of beautiful and relatively wild country in which, for the nation’s benefit and by appropriate national decision and action:*

- a) the characteristic landscape beauty is strictly preserved*
- b) access and facilities for public open air enjoyment are amply provided;*
- c) wildlife and buildings and places of architectural and historic interest are suitably protected, while*
- d) established farming use is effectively maintained” (Dower, 1945, para. 4).*

The National Parks Committee (hereafter referred to as the Hobhouse Committee) refined the concept of a National Park thus:

*“the essential requirements of a National Park are that it should have great natural beauty, a high value for open-air recreation and substantial continuous extent. Further, the distribution of selected areas should as far as practicable be such that at least one of them is quickly accessible from each of the main centres of population in England and Wales” (Hobhouse Committee, 1947).*

The Hobhouse Committee report led directly to the National Parks and Access to the Countryside Act 1949. This Act established a National Parks Commission, and charged it with the task of designating suitable areas as National Parks, subject to Ministerial confirmation. Section 5(1) of the Act sets out the purposes of National Parks as:

- a) preserving and enhancing the natural beauty of the areas; and
- b) promoting their enjoyment by the public.

The 1949 Act provided for the National Parks Commission to designate National Parks by identifying:

*“those extensive tracts of country in England and Wales to which it appears to the Commission that by reason of (a) their natural beauty, and (b) the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population, it is especially desirable that the necessary measures shall be taken for the purposes mentioned”.*



Ten National Parks were designated between 1951 and 1957 (see Fig. 5.0). In practice the selection of the National Parks that have been designated was based on the proposals made in the Dower (1945) and Hobhouse (1947) reports. The areas proposed by Hobhouse equate almost exactly with the parks which have been designated, including the Broads (see separate section on the Broads Authority). Only the South Downs, from the original Hobhouse proposals, has failed to achieve designation to date (refer to section on the Sussex Downs Conservation Board).

**Figure 5.0. National Parks in England and Wales**

National Park	Year of Designation	Area sq. km. (1997)	Population (1981)
Peak District	1951	1,438	37,400
Lake District	1951	2,292	40,000
Snowdonia	1951	2,142	23,800
Dartmoor	1951	954	29,100
Pembrokeshire Coast	1952	584	23,000
North York Moors	1952	1,436	27,000
Yorkshire Dales	1954	1,769	18,600
Exmoor	1954	693	10,000
Northumberland	1956	1,049	2,200
Brecon Beacons	1957	1,351	32,200

In the recent report of the National Parks Review Panel (1991) the basis of National Park selection was re-stated as follows:

*"the essence of the concept of National Parks lies in the striking quality and remoteness of much of this scenery, the harmony between man and nature it displays, and the opportunities it offers to suitable forms of recreation".*

This statement was endorsed by the Countryside Commission and the Countryside Council for Wales (CCW) and accepted by Government (DOE/WO, 1992) as a 'broad definition of the main characteristics of the National Parks in England and Wales, although it has no statutory force'. It also now appears to be generally accepted that the position of an area in relation to urban centres should no longer be a criterion for designation.

National Parks are 'national' in the sense that they are of special value to the whole nation; designation of an area as a National Park does not affect the ownership of land. Most of the land in a National Park remains in private ownership, but in many parks there is significant landholding by the Forestry Commission, Ministry of Defence, by the water companies and National Trust. National Park designation does not provide visitors with any additional rights in terms of access to the countryside.

Of the ten National Parks, the Peak District and the Lake District were each placed in the hands of Boards, legally separate from their respective county councils, although dependent on them for funding. The other eight National Parks were administered by county council committees. The variation in administrative arrangements for National Parks arose due to tensions between central and local government and, in particular, the issue of newly established local planning authorities having to relinquish planning controls. The National Park bodies exercised certain town and country planning functions and sought to secure access

for the public to open land. Under the provisions of the Countryside Act 1968, the National Parks Commission was replaced by the Countryside Commission. This Act also extended the powers of the boards or committees responsible for the National Parks to provide facilities for those visiting National Parks (e.g. provision of campsites, public conveniences, car and establishment of ranger services).

Section 37 of the Countryside Act 1968 required National Park authorities to have due regard to social and economic interests as well as to the needs of agriculture and forestry. This requirement also extended to Ministers, the conservation agencies and the local authorities.

The general reorganisation of local government under the Local Government Act 1972 introduced some important changes in terms of National Parks:

- the newly formed county councils were required to form a single National Park Committee for each National Park to which development control functions were delegated;
- all committees and boards were required to have a full-time officer – the National Park Officer;
- the Government (through the National Park Supplementary Grant) agreed to provide 75% of the annual budget (subject to approval) of each National Park, to the appropriate county councils;
- the work of the board or committee and its staff was to be set out in a comprehensive document – the National Park Plan, to be reviewed at five year intervals, and sent to the Government and Countryside Commission on each occasion; and
- the county council committee or the board retained development control powers for National Parks when elsewhere such powers were vested in district councils.

The National Parks Review Committee chaired by Lord Sandford straddled the local government reorganisation of 1972 and thus restricted itself to reviewing policies. Its report (The Sandford Committee, 1974) endorsed the changes resulting from local government reorganisation (although a minority report argued that Boards should be established in all of the National Parks). The Committee recognised that enjoyment of the parks could lead to damage of what was being enjoyed and recommended that where a conflict between the conservation of natural beauty and recreational activity could not be reconciled, then the conservation effort should prevail. This so-called ‘Sandford Principle’ was accepted by the Government and included in its response, Circular 4/76. The Committee also proposed that the promotion of the social and economic well-being of National Parks should become a third statutory purpose. However, the Government rejected this.

The boundaries of the parks were generally fixed at the time of designation and there have not, over the years, been major issues relating to boundaries. However, in the second half of the 1980s the Countryside Commission embarked on a programme of boundary review and proposals to alter the boundary of the Pembrokeshire National Park were the subject of a public inquiry in 1991 and a similar inquiry took place in 1993 to consider proposed boundary changes for Dartmoor. In both cases arguments relating to landscape character and quality have provided the rationale for the proposals. The debates over quite minor boundary amendments turned out to be so controversial that, in effect, the Commission abandoned any systematic boundary review programme after the Dartmoor inquiry.



### *Process of Designation*

The original National Parks in England and Wales were selected and designated by the then National Parks Commission, now the Countryside Commission. Any new parks would be the responsibility of the Countryside Commission in England and the CCW in Wales. Designation orders must, in all cases, be confirmed by the Secretary of State (SoS). Procedures for designation are set down in Section 7 and Schedule 1 of the 1949 Act, as subsequently amended. They require the Countryside Commission and CCW, in summary to:

- consult with all local authorities, including joint planning boards, who have land in the area to be designated;
- provide with the designation order a description of the area by reference to a map and other descriptive matter;
- give notice, stating the effect of the order, advising that it is about to be submitted for confirmation and naming places in the area affected, by publication in the London Gazette, in two national newspapers and at least one local newspaper in each of the local authority areas affected;
- indicate the time (not less than 28 days) within which, and the way in which, representations or objections can be made.

If any objections are made by a local authority the Secretary of State must hold a public inquiry, though if no local authority is involved this may be a hearing instead. The Minister may confirm the order with modifications if necessary. It is an interesting commentary of changing values that no such inquiries were ordered when the ten parks were established between 1950 and 1959 but boundary adjustments a quarter of a century later in Pembrokeshire and Dartmoor required a lengthy inquiry process.

Under the 1949 Act the Minister may also make an order to vary an original National Park designation order. This was originally a matter for the Secretary of State alone to initiate, but Section 45 of the Wildlife and Countryside Act 1981 extended this initiating role to the Countryside Commission and CCW. Similar procedures apply as those described above.

### **5.3 Administrative Arrangements**

The Environment Act 1995 (Sections 63-64) provided for the establishment, by order of the Secretary of State, of new National Park Authorities (NPAs) in England and Wales to replace the then existing National Park Committees and Boards. The new NPAs are free-standing bodies corporate and executive within the local government framework. Local government was reorganised in Wales in 1996 and the opportunity was taken in the Local Government (Wales) Act 1994 to give the Welsh NPAs their new status in April 1996. The English NPAs became independent authorities on 1 April 1997.

The 1995 Act's provisions about purposes (see above) apply in both countries but the form of English and Welsh NPAs is now different. The 1995 Act introduces new arrangements for NPA membership (Section 63 and Schedule 7). The proportion of different categories of members differs for National Parks in England and Wales.



The membership of NPAs in England is as follows:

- half of the authority's members plus one will be appointed by local authorities (district and county councils) with land in the Park;
- the remainder will be appointed by the Secretary of State of whom one half minus one will be drawn from parishes within the Park.

In the case of a NPA with a total of 22 members, twelve would be appointed by local authorities and ten by the Secretary of State. Of those ten, six would be appointed directly to represent the national interest and four would be drawn from relevant parishes. Where there is a two-tier system of local government in the Park, the government has said that it will ensure there is equal representation among the two tiers (i.e. county and district councils).

The 1995 Act (Schedule 7, para. 2) requires the Secretary of State to consult the constituent local authorities before making an order as to the precise number of local authority members; the local authorities which are to be appointing bodies and the precise numbers to be appointed by each local authority.

Local authority representatives should have "... *relevant experience and close links to the Park*" (DoE, 1996a, para. 33). Schedule 7 of the 1995 Act requires local authorities to have regard to the desirability of appointing members who represent divisions or wards situated wholly or partly within the relevant Park. Schedule 7 (para. 2(3)) of the 1995 Act makes provision for the Secretary of State to consider the exclusion of a council from membership of the NPA only at the request of that council. To-date, there is only one such example: the exclusion of Mid Devon District Council from Dartmoor National Park Authority.

In making appointments to a NPA, the Secretary of State is concerned with ensuring that the wider national purposes of designation are represented in the Authority's deliberations:

*"In selecting, after consultation with the Countryside Commission [Countryside Council for Wales in Wales], persons suitable for appointment, the Secretary of State will look for a capacity to present this wider viewpoint in discussions within the Authority and for experience, preferably in a combination of fields, with direct relevance to the character of the particular National Park and to the responsibilities of the Authority. Where possible the Secretary of State will give preference to candidates who combine these qualities with local association to the Park to which they are appointed"* (DoE, 1996a, para. 34).

The Countryside Commission and CCW have a statutory role in advising on National Park appointments and is normally involved in interviewing those candidates shortlisted by Ministers for appointment prior to final selection by the Secretary of State.

Appointment of parish members by the Secretary of State is governed by Schedule 7, para. 3. Parish members of English NPAs must be either members of a parish council, or the chairman of the parish meeting of a parish that does not have a separate council, wholly or partially situated within the National Park. The appointment by the Secretary of State of parish members to the National Park Authorities is:

*“... to ensure that local people have a greater involvement in the running of the National Parks and in the management of Park affairs. It enables a proper balance to be achieved between the wider national interest, that of local authorities and the truly local concerns of those who live and work in the Parks” (DoE, 1996a, para. 39).*

There is no set arrangement for the appointment of parish members. Instead the Secretary of State looks to parishes in each National Park to maintain a local mechanism to select candidates commanding general support whom he can appoint to the Authority (DoE, 1996a). Parish members are appointed to represent the wider Park view and not just the interest of their own parish, and are representatives rather than delegates of the grouping of parishes nominating them.

<b>Case Study: The Lake District National Park Authority and its Committees</b>			
<b>Committee</b>	<b>No. of Members</b>	<b>Meetings</b>	<b>Subjects</b>
The Authority	26	Quarterly	All matters
Development Control	19	Monthly	Planning applications and enforcement
Visitor Services	19	Quarterly	The operation of visitor centres, car parks etc.
Park Management	19	Quarterly	Management of the Authority's land and the Park's footpath network, enhancement and conservation schemes
Planning Policy	19	Quarterly	National Park and development policies, forestry, conservation grants, car rallies
Administration and Finance	19	Quarterly	Finances and the Capital Fund, personnel and staffing matters, administrative arrangements

Community council (the Welsh equivalent to parish councils) representation on the Welsh NPAs was considered impractical due to commitments already made in respect of the membership of NPAs under the Local Government (Wales) Act 1994.

All of the members appointed to a NPA have equal status, equal opportunity to hold office and equal claim on financial recompense.

#### **5.4 Powers and Policies**

The Environment Act 1995 (Section 65) deals with the general purposes and powers of National Park authorities. NPAs may do ‘anything which, in their opinion, is calculated to facilitate, or is conducive or incidental to, the accomplishment of the purposes’ (para. 5(a)) of National Park designation, provided it is not in contravention of any statutory restriction on the powers of the authorities, or concerns certain powers to raise money (Section 65 para. 6).

##### *Central Government Planning Policies for National Parks*

Planning Policy Guidance Note 7 “The Countryside - Environmental Quality and Economic and Social Development” (DoE, 1997) sets out the Government’s policies concerning planning in the National Parks. This document states that:



*"The Government regards National Park designation as conferring the highest status of protection as far as landscape and scenic beauty are concerned" (DoE, 1997, para. 4.2).*

*"Conservation of the natural beauty of the countryside, and of its wildlife and cultural heritage, should be given great weight in planning policies and development control decisions in the National Parks, the Broads and the New Forest Heritage Area. Due regard should also be had to the economic and social well-being of local communities" (DoE, 1997, para 4.5).*

### **Case Study: Major Development Test**

Debates surrounding the passage of the National Parks and Access to the Countryside Bill through Parliament clarified the Government's position with regard to 'major development'. Lewis Silkin, then Minister for Town and Country Planning, gave an undertaking when introducing the Bill that three conditions would have to be satisfied before new mineral workings would be allowed in National Parks. These conditions were that:

- exploitation was 'absolutely necessary in the public interest';
- there was 'no possible alternative source of supply'; and
- if the first two conditions were satisfied then 'the permission must be subject to the condition that restoration takes place at the earliest possible opportunity' (Official Report of the House of Commons, 31 March 1949, p. 1484).

These conditions have become known as the 'Silkin Test' and have also been used as guidelines for other forms of major development.

Current Government guidance on major development in National Parks states that:

"Major development should not take place in the National Parks...save in exceptional circumstances ... Major developments should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such proposals should therefore normally include an assessment of:

- i. the need for the development in terms of national considerations, and the implications of permitting it or refusing upon the local economy;
- ii. the cost of and scope for developing elsewhere outside the area or meeting the need for it in some other way;
- iii. any detrimental effect on the environment and the landscape, and the extent to which that should be moderated" (DoE, 1997, para. 4.5).

There is only one occasion, of which we are aware, when the Government has identified the exceptional circumstances that must prevail before major development can be permitted in National Parks. The Government's White Paper This Common Inheritance (H. M. Government, 1990) states that: "only where there are proven national needs and a lack of alternative sites can any exception be justified" (para. 7.50).

Special considerations apply to major developments proposals in the National Parks (as well as the Broads and New Forest). PPG 7 states that: *"Major development should not take place in the National Parks, the Broads and the New Forest Heritage Area save in exceptional circumstances"* (DoE, 1997, para. 4.5). All applications for major development are to be subject to *"the most rigorous examination and should be demonstrated to be in the public interest before being allowed to proceed"* (DoE, 1996a, para. 49). The Government's policy on major development within National Parks (see case study) has two elements: a substantive test which states that major development should not be permitted save in exceptional circumstances and a procedure which must be followed in assessing compliance.



Permitted development rights have been amended within the National Parks so that some types of minor development require planning permission and lower volume limits apply for extensions to dwelling houses, erection of buildings within the curtilage of dwelling houses and extensions to industrial buildings and warehouses. Permitted development rights have been withdrawn for:

- roof extensions to dwelling houses
- the application of stone and some other forms of cladding to the outside of a dwelling house;
- the installation of a satellite dish on chimney stacks and on walls or roof-slopes fronting a highway (or a waterway in the Broads) as well as on buildings over 15 metres in height;
- the installation or alteration of a microwave antenna by a 'code systems operator' licensed under the Telecommunications Act 1984;
- fish farm excavations and engineering operations; and
- all proposals to extend or alter an agricultural building under permitted development rights may be subject to controls over siting and design.

PPG 7 states that in National Parks, *"a greater proportion of Schedule 2 proposals may require environmental assessment than in the wider countryside, because of possible effects on conservation and opportunities for public enjoyment"* (DoE, 1997, para 4.6). The guidance also states that NPAs 'may reasonably expect a developer to address the issue of the impact of the proposal on these areas [i.e. the National Park] and to place more explicit emphasis on the consideration of alternative options' (DoE, 1997, para 4.6).

#### *National Park Authority Planning Powers*

The 1995 Act (Section 67) provides for the NPA to become the sole local planning authority for the Park area. As the local planning authority under Section 4A of the Town and Country Planning Act 1990, a NPA is responsible for maintaining structure plan, local plan and minerals and waste local plan coverage. The Welsh NPAs are responsible for preparing unitary development plans (parts I and II) which incorporate both minerals and waste plans.

The Government has encouraged NPAs (with the exception of the Peak District) to make voluntary arrangements under Section 101 of the Local Government Act 1972, with one or more neighbouring strategic planning authority, to prepare a joint structure plan for their combined areas.

NPAs are also the sole development control authority for their area. As such they:

- determine all planning applications;
- take planning enforcement action where necessary;
- control advertisements;
- issue and monitor Tree Preservation Orders;
- protects listed buildings; and
- take action in respect of conservation areas established under the Planning Acts.

## *National Park Management Plan*

Section 66 of the 1995 requires NPAs to prepare and publish National Park Management Plans (NPMPs) as 'statements of their policy for managing and carrying out their functions in relation to the Parks' (DoE, 1996a, para. 51). NPMPs are to replace the National Park Plans which were required under Schedule 17 of the Local Government Act 1972. NPMPs will have a similar role to National Park Plans, although they need to reflect the revisions to National Park purposes and the duties of NPAs and others, the new planning responsibilities of the NPAs and the need for statutory consultation (Countryside Commission, 1997b).

According to Section 66 of the 1995 Act:

- each NPA must prepare a NPMP within three years of being established and review it at least every five years;
- NPAs could adopt an existing National Park Plan as the Management Plan, providing that they did so within six months of being established and advertised that they intended to do so;
- an NPA proposing to adopt an existing National Park Plan may review it before doing so but must review it if, under the 1972 Act, it was due to be reviewed within 12 months of the NPA's operational date;
- where an NPA did not review the National Park Plan before adopting it as the NPMP, the first review must take place no later than the time when the adopted NPP was due to be reviewed under the 1972 Act.

The NPMP should be the 'major determinant of vision, land management and resource priorities' (Countryside Commission, 1997b, p. 3). NPMPs must:

- provide strategic objectives and policies for achieving Park purposes and dealing with any particular geographic or thematic issues;
- justify their approach with relevant data;
- promote an integrated approach to managing the Park area;
- set policies for the Park within a broader regional context and in the context of policies and strategies of other relevant agencies;
- use wide consultation to gain commitment for NPMP policies and their implementation (NPAs are required by statute to consult with the Countryside Commission and English Nature (CCW in Wales) and constituent local authorities);
- co-ordinate action to help achieve National Park purposes;
- provide the basis for bidding for funding from Government and local authorities, through the Corporate Planning process, and from other sources, such as the EU
- be submitted to the relevant Secretary of State for information (but does not require his or her approval); and
- be reviewed at least every five years.

Advisory notes on the production of National Park Plans are prepared by the Countryside Commission and CCW, at the request of the Secretary of State.

NPMPs are much wider in scope than development plans prepared under the Town and Country Planning Acts. In theory, NPMPs should provide the framework for development

plan policies although, in practice, the different timetables and processes for review and implementation mean that this is rarely the case.

### **Case Study: National Park Management Plans**

National Park Management Plans should:

- set out a vision and take a long-term view;
- adopt sustainability as the underlying principle;
- be a plan for influencing the activity of others and for the whole National Park area, not just the activity of the NPA;
- take account of relevant regional, national and international policies;
- be developed and implemented in partnership with others;
- be concise and concentrate on strategic issues;
- identify measurable objectives which are supported by good information;
- promote opportunities for National Parks to be used to develop innovative conservation and management techniques; and
- be monitored and regularly reviewed.

Source: Countryside Commission, 1997b, p. 20

### *Conservation*

All NPAs are required under Section 3 of the Wildlife and Countryside Amendment Act 1985 to produce a map of particular types of land *“whose natural beauty it is, in the opinion of the Authority, particularly important to conserve”*. The mapping is to be related to *“any area of mountain, moor, heath, woodland, down, cliff or foreshore (including any bank, barrier, dune, beach, flat or other land adjacent to the foreshore)”*. These maps, often referred to as Section 3 Conservation Maps, replace the maps of moor and heath that had to be prepared by NPAs under Section 43 of the Wildlife and Countryside Act 1981. The purpose of these maps is to guide the protection and management of these sensitive areas.

Most NPAs have a variety of conservation management and grant schemes available for farmers and landowners. They are consulted on any farm proposal which qualifies for MAFF/WOAD grant aid and can negotiate management agreements to conserve important habitats or to protect the visual quality of the landscape (and access to it).

NPAs are also involved in conservation of the built environment, offering technical advice and grants to owners of historic buildings to aid protection and restoration, designating conservation areas, issuing Building Preservation Notices and implementing enhancement schemes (normally in partnership with others).

The Forestry Authority consults NPAs on all applications for planting grants in more than 5 ha of land and felling licences. Where agreement cannot be reached with the Forestry Commission's Regional Advisory Committees, the proposal is referred to the Forestry Commissioners who may in some cases be obliged to seek the views of Ministers.



National Parks have benefited from the development of agri-environment schemes, such as Environmentally Sensitive Areas which, whilst not managed by the NPAs, often help to further National Park purposes.

### *Enjoyment and Understanding*

Circular 12/96 (para. 12) makes it clear that NPA 'should consider how best to promote the understanding of the special qualities of their areas by the public'. Government guidance (DoE, 1996a) argues that National Parks contain a variety of landscapes capable of accepting and absorbing many different types of leisure activity and that, therefore, is not necessary to exclude particular activities from a National Park as a matter of principle. However, the emphasis is on promoting quiet enjoyment "... the Parks should be quietly enjoyed by many people for much of the time" (DoE, 1996a, para. 15).

Government guidance also urges NPAs to produce strategies to promote this understanding and to work in close partnership with bodies such as the respective countryside agencies, tourist boards and sports councils.

Almost all NPAs have responsibility for the public rights of way network within their area of jurisdiction delegated to them by the highway authority (county councils in England and unitary authorities in Wales). Such agency agreements are encouraged in Circular 12/96 (DoE, 1996a). Delegated powers can include maintaining the Definitive Map of the public rights of way network; implementing the legal processes for creating, diverting and closing rights of way; and practical works to clear and maintain public paths.

NPAs have powers to negotiate and secure access agreements to allow people to walk over wider open spaces, usually subject to byelaws and/or supervision by rangers. In Dartmoor, for example, the NPA, working with the commoners, has created a public right of access to all common land by statute.

By statute, visitors to National Parks have been provided with information since 1951, through visitor centres, free newspapers, leaflets, books and other publications. NPAs have provided and grant-aided the provision of interpretation facilities. Several run residential study centres (e.g. Losehill Hall in the Peak District and Plas Tan y Bwlch in Snowdonia). NPAs also provide car parks, toilet facilities and picnic sites; some even run or support camp sites, youth hostels, cycle-hire schemes, boating centres and public transport services.

### *Economic and Social well-being of Park Communities*

The new duty imposed on NPAs by Section 62 of the 1995 to foster the economic and social well-being of their local communities must be achieved without making additional financial resources available and without any new powers.

Government guidance on National Parks (DoE, 1996b) makes it clear that it does not consider it appropriate for the NPAs themselves to assume the role of promoting economic and social development in the Parks, nor to compete with those agencies which have the power to do so. Instead, Circular 12/96 (para. 21) promotes a partnership approach to this new duty: NPAs must consult with MAFF and the Forestry Commission over the socio-economic effects of their policies, and NPAs are expected to co-operate with local authorities, and other agencies,

such as the Rural Development Commission in England, whose task it is to promote the social or economic development of rural areas. Given this guidance, most NPAs are seeking ways to involve local communities in decision-making (see the case study on planning for real in the Brecon Beacons National Park) and to maximise the benefits of tourism and the 'environmental' appeal of the National Park image (see case study on Beacons Country Products).

## Case Study: Community Involvement in Decision Making

### Community Involvement in the Brecon Beacons Local Plan - Planning for Real

Development control has long been a source of contention between local communities and protected area agencies, particularly in National Parks. In recognition of the shortfalls of the "... *traditional focus of exhibitions, public meetings and written comments*" Brecon Beacons National Park Authority (BBNPA) opted to use a modified 'Planning for Real' approach in preparing their most recent statutory local plan (Tewdwr-Jones and Thomas, 1995 p.20).

Planning for Real involves local people exploring local planning issues via three-dimensional models, maps, and other interactive displays. The official's role is changed so that he/she becomes an observer and listener; offering expertise only if requested (Greaves, 1992). The hands-on approach of Planning for Real helps reduce, or eradicate enmity between communities and officials.

BBNPA used an abbreviated Planning for Real format, involving detailed maps, wall-charts and other displays in place of three-dimensional models. Public consultation was channelled through a series of public meetings held in village halls and community centres. Although the meetings were attended by senior BBNPA officials, 'the public' set the agenda and were given free reign to discuss any social, economic or environmental issues which concerned them. People were also given a chance to air their preferences and grievances via questionnaires. BBNPA then prioritised issues for inclusion in the local plan. Once prepared, the draft plan was subjected to a more traditional round of public commenting.

In a review of the Planning for Real procedure Tewdwr-Jones and Thomas (1995) conclude that by and large the public were keen to be involved and that most felt they had made a positive contribution to the planning process. BBNPA's decision to allow open discussion during the first round of consultations was a key factor in the overall success of the exercise. During the second consultation phase, however, they chose (mainly because of strict time limits and budget constraints) to restrict discussions to the content of the plan. According to Tewdwr-Jones and Thomas (1995) this contributed to the more familiar situation of public versus Park, where BBNPA was forced to defend its policies.

On the positive side it is argued that the exercise increased co-operation and communication between NPA staff and other agencies. Planners gained an insight into the public's perceptions of their work and were able to gauge the general public's level of comprehension of planning matters. Participants felt that they were making a positive and lasting contribution to the shape of their communities. By making the planning process more open and transparent BBNPA was able to dispel preconceived ideas and misconceptions, and the NPA was able to elicit the concerns of a broad spectrum of the community rather than a select few.

Within this new people-centred focus joint management approaches can:

- help local communities develop a sense of ownership for protected areas, by allowing them to see the practical relevance of conservation and the financial and other benefits which it brings,
- be a way of harnessing to the aims of protected areas local knowledge, resources and commitment which would not otherwise be available to the protected areas managers,
- lead to a more efficient use of resources, as it helps avoid the causes of future conflicts.

Joint management does not mean relinquishing all control to local interests, regardless of the impact on conservation; rather it is a way of linking national and international concern for a particular protected area with the needs of local people so that both interests can benefit sustainably.



## Case Study: Beacons Country Products

### Socio-economic Development – Beacons Country Products

In 1993 Brecon Beacons National Park Authority initiated a three year rural development project under Article 8 of the EC's Agricultural Guidance and Guarantee Fund (EAGGF) which led to the establishment of Beacons Country Products (BCP), a semi-autonomous rural development body which has a close working relationship with the NPA. The remit of BCP is to:

"... investigate ways of stimulating the economy of the National Park in a sustainable fashion, demonstrating the ways in which it is possible to combine efficient production with benefits to the environment" (BCP, 1995, p. 1).

One important aspect of the project is the promotion of agro-forestry as a source of supplementary income for land managers, and as a means of supplying local crafts and businesses with native hardwoods and other raw materials. This is approached through

- a structured programme of research and monitoring;
- practical demonstration of woodland production and management;
- close liaison between project co-ordinators and the Forestry Authority; capital investment in machinery;
- the establishment of tree nurseries; and
- the organisation of exhibitions and craft fairs.

The project benefits land managers through increased earnings from the management of their woodlands, provides increased employment for contractors, and contributes to the conservation objectives of the National Park.

One of the principal activities of BCP has been to set up a National Park skills register, the purpose of which is to make known the range of skills available within the Park so that local businesses can take advantage of each others' expertise. In the process of setting up the register, local businesses have benefited from "... talking to other businesses and becoming more aware, themselves, of what is available in their area" (BCP, 1995, p.22).

Another example of the BCP approach can be seen in the Black Mountains area in the east of the National Park. Here, local businesses were concerned that, despite the Black Mountains being a popular tourist destination, few people stayed any length of time or spent significant amounts of money in the area. After several meetings, local businesses decided that the best way of making tourists more aware of places to visit and activities to engage in, was to set up the Black Mountain Crafts and Leisure Activities Trail. The principal role of BCP in this process was to secure funding and encourage local businesses to meet and discuss their needs and assist in the design, publication and distribution of leaflets.

BCP also organises an annual 'Festival of National Park Products'. This attracts large audiences and opens up new markets to participating businesses.

### Roads and Traffic

NPAs are not the highway authority for their area. Circular 12/96 advocates close working between highway authorities and the NPAs, including periodic consultation on proposed road programmes and notification of all individual improvements. Circular 125/77 "Roads and Traffic – National Parks" recommends the definition of a functional road hierarchy within the Parks, with appropriate traffic management measures. Many NPAs (e.g. Dartmoor, Lake District and Snowdonia) are involved in schemes to promote the use of public transport and reduce reliance on the private motor car.



## *Other Powers and Functions*

Schedules 8 and 9 to the 1995 Act confer upon the new NPAs various supplementary powers and functions. For example, NPAs are given powers of compulsory acquisition based upon the powers enjoyed by local authorities; they may promote private Bills in Parliament (provided these do not modify the authority's area or constitution etc.); they are also subject to requirements regarding competitive tendering, publicity etc.

### **5.5 Funding**

NPA expenditure can be met from four sources:

- grant from the Secretary of State;
- levies raised from participating local authorities;
- other income (e.g. from the European Commission, lottery distributing bodies or from the supply of goods and services)
- borrowing to fund capital investment in reliance on any credit approvals issued by the Secretary of State

Section 72 of the 1995 Act empowers the Secretary of State to make grants to a NPA, in consultation with the Countryside Commission or CCW, and with the consent of the Treasury. Grant is paid to meet an agreed proportion (currently 75% for most categories of expenditure) of the net expenditure on National Park functions approved by the Secretary of State and is known as the National Parks Grant (formerly National Parks Supplementary Grant).

Section 71 of the 1995 Act empowers a NPA to levy on the Councils by whom the local authority members of the NPA fall to be appointed. This levy is to cover the remaining 25% of approved net expenditure. This financial responsibility is reflected in the contributing authorities' Standard Spending Assessments, and hence in the Revenue Support Grant paid by the Exchequer to each contribution authority. Thus, the amount of National Park expenditure actually met by local council tax payers is significantly less than the 25% contribution paid to the NPAs by constituent local authorities.

The process for determining National Park Grant and dividing the grant amongst NPAs is complex (see DoE, 1996b for example). The seven NPAs in England (plus the Broads Authority) receive their grants from the Department of the Environment, Transport and the Regions and the three NPAs in Wales from the Welsh Office. The Countryside Commission and Countryside Council for Wales have a statutory role in the process as advisers to the appropriate Secretaries of State. NPAs are informed in November/December of their settlement for the year beginning the following April. At the same time they are invited to draw up their expenditure plans for the following three financial years. These programmes, presented in Corporate Financial Plans in England and Corporate Plans in Wales, and any bids for additional resources, are submitted direct to Government. The Association of National Park Authorities (see below) sees Ministers on the matter in June. The countryside agencies are then consulted by the relevant government departments, consider the programmes of the NPAs in the two countries and advise on the total sum and its division between the NPAs.

Gross expenditure for all National Parks and the Broads in 1995/96 was £31 million. About 25% of all expenditure is now covered by income generated locally through trading and other

activities. NPAs are actively seeking new sources of income to supplement core funding (see Yorkshire Dales case study).

#### **Case Study: Yorkshire Dales Millennium Trust**

In May 1995 the Yorkshire Dales became the first National Park in England and Wales to appoint a full-time Development Officer with a remit to raise extra funding for the National Park. His appointment was a result of the widening gap between the NPAs financial needs and the funds made available through what was then called the National Park Supplementary Grant – a £1 million shortfall was forecast by 1997/98. The objectives of the Development Officer were:

- identify potential sources of external funds;
- identify suitable NPA projects and raise funds to carry these out;
- set up a charity to maximise funding opportunities; and
- set up appropriate accounting systems and databases.

Funding was secured through the Northern Uplands Objective 5B Programme for a variety of projects including a visitor centre at Reeth, station waiting shelters on the Settle-Carlisle line, conservation of historical features, village enhancement schemes and the Dales Countryside Museum. The NPA has secured finance from the National Lottery for:

- the purchase of a limestone pavement (a grant of £120,000 from the Heritage Lottery Fund);
- the development at the Dales Countryside Museum (£750,000 from the Heritage Lottery Fund);
- the Sports Council provided Lottery funding for Phase 1 of the Three Peaks Restoration Project (£85,000); and
- the Millennium Commission awarded £4 million for an umbrella project called EnviroNet.

The Authority has also benefited from corporate sponsorship: the Royal Mail sponsored a woodland planting and nature conservation area; Yorkshire Electric have sponsored events leaflets; and companies such as Crown Paints and Tarmac have given contributions of materials to particular projects.

A Yorkshire Dales Millennium Trust was established in April 1997 as a company registered by guarantee and a registered charity. The Trust was established to:

- protect and conserve the Yorkshire Dales for public benefit including any buildings of architectural, historic or educational merit and also the flora and fauna; and
- to further such other charitable purposes for the benefit of residents of the Yorkshire Dales.

The Trust provided a way of securing the EnviroNet funding as it meant that the Millennium Commission was not seen to be funding a statutory agency to carry out its statutory functions. The Trust also has a trading arm, Yorkshire Dales Millennium Trust Consultants, which carries out the project management for EnviroNet and offers a profitable consultancy service.

Source: R. Witt, pers. comm.

## **5.6 Management**

All NPAs in England and Wales operate full-time ranger/warden or similar services, often supplemented by part-time, seasonal and volunteer rangers. The role that the ranger/warden service performs is wide and varied: from advising visitors where they can go to leading guided walks; from explaining how the countryside works to carrying out practical conservation work; from enforcing byelaws to participating in emergency rescues.

### Case Study: Peak District Ranger Service

The Peak District National Park Authority employs 32 full-time rangers.

The objectives of the ranger service are to:

- actively provide a channel of communication between the Authority, local residents, visitors and the fabric of the Park;
- promote the understanding, awareness and enjoyment of the Park by visitors and local residents;
- endeavour to resolve the problems resulting from visitor use affecting local residents and/or the fabric of the Park;
- participation in the growth of community awareness of wider environmental issues and the encouragement of sustainable management; and
- to provide protection for the National Park, its local communities and visitors, as appropriate to National Park purposes, in collaboration if necessary with other relevant organisations.

The Ranger Service is involved in a wide range of activities including:

**Access management on moorland** – e.g. patrolling the land covered by formal access agreements and policing the byelaws; liaison with keepers; preparation of a Shooting Management Plan for each moor covered by a formal access agreement that is shot; and firefighting.

**Environmental education** - visits to all primary schools within the Ranger area; wider programme of environmental education based on talks and guided walks etc.

**Community liaison** – regular meetings with each Parish Council or Parish Meeting in the Ranger area; talks to community groups.

**Practical works** – improvements to paths e.g. erection of new waymarks, fingerposts, surface improvements etc.

Source: Peak National Park Authority, 1988

## 5.7 Wider Context

National parks in England and Wales are classified as protected landscapes (IUCN Category V).

### *Association of National Park Authorities*

The first formal suggestion for an Association of National Park Authorities (ANPA) was contained in the report of the National Parks Review Panel (1991). ANPA came into being in February 1992 and comprises the chairpersons and chief officers of the ten National Park authorities, the Broads Authority and the New Forest Committee. ANPA aims to:

*“Speak with one voice in safeguarding the National Parks and increasing their special value to the nation for the next century and beyond. Forging partnerships with others, it raises awareness of National Parks and promote their enjoyment in sympathy with their unique scenic beauty, national heritage and living and working communities. It works to sustain our finest countryside as living landscapes, and is the focus for collaborative working between the Parks, with other interests and for international liaison” (ANPA, 1995).*



## **CHAPTER 6: THE BROADS AUTHORITY**

*The Norfolk and Suffolk Broads are one of the largest areas of freshwater wetland in Britain. The Broads Authority covers an area of 303 km<sup>2</sup>.*

### **6.1 Purposes**

The Norfolk and Suffolk Broads Act 1988 (Section 2) provides that the Authority's general duty will be to manage the Broads for the purposes of:

- conserving and enhancing the natural beauty of the Broads;
- promoting the enjoyment of the Broads by the public;
- protecting the interests of navigation.

The first two purposes were similar to those for National Parks under the National Parks and Access to the Countryside Act 1949 but the third purpose is unique to the Broads Authority and reflects its mix of waterways, wet woodlands, fens and marshes.

In discharging its functions the Authority must have regard to:

- the national importance of the Broads as an area of natural beauty and one which affords opportunities for open air recreation;
- the desirability of protecting the natural resources of the Broads from damage;
- the needs of agriculture and forestry and the economic and social interests of those who live or work in the Broads.

### **6.2 Selection and Establishment**

The Broads featured as a candidate National Park in both the Dower (1945) and Hobhouse Committee (1947) reports. After a period of consultation, the National Parks Commission announced in August 1961 that they did not consider designation of the Broads was appropriate.

Following reports highlighting the degradation of the Broads from an ecological perspective (Nature Conservancy Council, 1967), the Countryside Commission published a consultation paper on the desirability of designating the Broads as a National Park (Countryside Commission, 1976). This was followed by another consultation paper (Countryside Commission, 1977) outlining four possible courses of action:

- Option A - early designation of a National Park for the Broads
- Option B - designation of a National Park for the Broads consequent upon amending legislation
- Option C - establishment of an authority specially equipped to deal with the Broads
- Option D - changes consequent upon proposed reorganisation of the water industry

As a result of this process a special organisation, the Broads Authority, was set up in 1978 to manage the Broads. Its membership was made up of representatives from Norfolk and Suffolk County Councils, the six district councils in the Broads area, Great Yarmouth and Haven

Commissioners (now Great Yarmouth Port Authority), Anglian Water Authority and the Countryside Commission. The Authority was funded by the local authorities in rough proportion to their membership, with 50% grant aid from the Countryside Commission towards staff costs and special projects, together with small contributions from other bodies including the water and navigation authorities.

The Countryside Commission reviewed the performance of the non-statutory Broads Authority in 1983 and its consultation document (Countryside Commission, 1983) sought comment on three options for the future administration and management of the Broads:

- Option A - continuation of the Broads Authority as a joint committee of local authorities, possibly with some changes to the detail of present administrative arrangements;
- Option B - a National Park authority, either a committee or a board, established either under existing legislation or consequent upon amending legislation;
- Option C - a special statutory authority, established under a private Act of Parliament.

The subsequent report “The Broads: A Review” (Countryside Commission, 1984) concluded that the Broads should be looked after by a single body with adequate powers and resources to manage the whole Broads area, both land and water. This review led to the Norfolk and Suffolk Broads Act 1988 which established the Broads Authority as a special statutory authority.

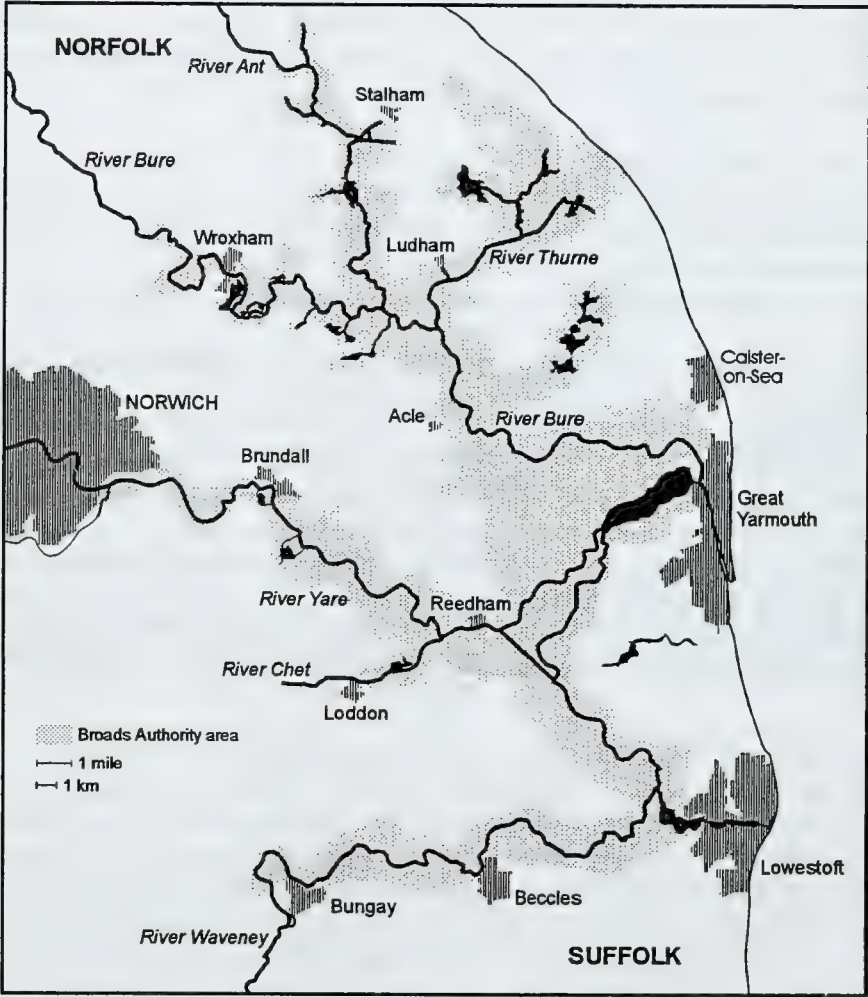
### **6.3 Administrative Arrangements**

The existing, statutory Broads Authority began operating on 1 April 1989, one year after the Norfolk and Suffolk Broads Act 1998 reached the statute books. It has responsibility for an area of 303 km<sup>2</sup> which is based on the corridors of the rivers Ant, Bure, Chet, Thurne, Waveney and Yare. It is estimated that 5,600 people live within the area of jurisdiction of the Broads Authority, giving a population density of approximately 18 people per km<sup>2</sup>. The area attracts an estimated two million visitors per annum.

The Broads Authority is headed by the Members. The Authority consists of 35 members appointed as follows:

- four by Norfolk County Council;
- two by each of Suffolk County and Broadland, Great Yarmouth, North Norfolk, Norwich, South Norfolk and Waveney District Councils;
- two by the Countryside Commission
- one by English Nature
- two by the Great Yarmouth Port and Haven Commissioners (Great Yarmouth Port Authority from 1.12.96)
- nine by the Secretary of State (of whom at least three must be appointed after consultation with bodies representing boating interests and at least two after consultation with bodies representing farming and landowning interests);
- two to be co-opted from the Statutory Navigation Committee
- one by Anglian Water (Environment Agency from 1.4.96)

Figure 6.0 Broads Authority Area





The local authority representatives must be members of their appointing Council. The Authority's membership can be altered by an Order made by the Secretary of State.

The membership of the Broads Authority gives district councils more representation than with a National Park authority. The aim of this was to make decisions more representative of local opinion.

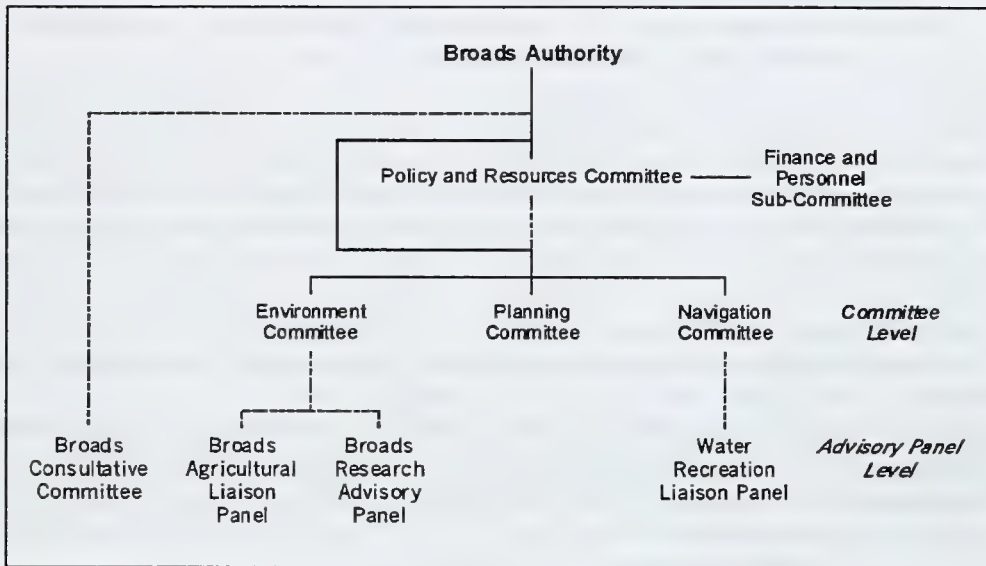
The Broads Authority is required by the Norfolk and Suffolk Broads Act 1988 to establish a Navigation Committee, comprising 13 members. Membership of the Authority is set down in the Act: six of the members are to be appointed from the membership of the full committee (including one of the two members appointed by the Great Yarmouth Port Authority) and the remaining seven must be co-opted onto the Committee following consultation with bodies representing navigation interests and users of the Broads waterways thus:

- hire boat industry (two members)
- private pleasure craft owners (national) (one member)
- private pleasure craft owners (local) (one member)
- commercial toll payers (two members)
- other users of the navigation (one member)

The Authority is required to consult the Navigation Committee before exercising its navigation powers (see below) and must keep under review the extent to which it delegates these powers to the Committee.

The Broads Authority has the power to employ staff. The organisational structure of the Authority is illustrated in Fig. 6.1. The Chief Executive of the Broads Authority has responsibility for day-to-day management of the Authority and he is supported by five chief officers covering conservation, planning, navigation and water recreation, information, interpretation, tourism and land-based recreation and administration (see Fig. 6.1). The Authority currently employs 80 full-time staff, plus approximately 20 seasonal staff.

**Figure 6.1. Organisational Structure of the Broads Authority 1997/98**



## 6.4 Powers and Policies

Under the Norfolk and Suffolk Broads Act 1988, the Broads have a status equivalent to that of a National Park. In terms of government policy, the Broads are treated as part of the National Park ‘family’ although always mentioned separately.

### *Central Government Planning Policies for the Broads*

Planning Policy Guidance Note 7 “The Countryside - Environmental Quality and Economic and Social Development” (DoE, 1997) sets out the Government’s policies concerning planning in the Broads. This document states that:

*“Conservation of the natural beauty of the countryside, and of its wildlife and cultural heritage, should be given great weight in planning policies and development control decisions in the National Parks, the Broads and the New Forest Heritage Area. Due regard should also be had to the economic and social well-being of local communities. Special considerations apply to major development proposals, which are more national than local in character. Major development should not take place in the National Parks, the Broads and the New Forest Heritage Area save in exceptional circumstances. Because of the serious impact that major developments may have on these areas of natural beauty, applications for all such developments must be subject to the most rigorous examination. Major developments should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore normally include an assessment of:*

- i. the need for the development, in terms of national considerations, and the impact of permitting it upon the local economy;*

- ii. the cost of and scope for developing elsewhere outside the area or meeting the need for it in some other way;*
- iii. any detrimental effect on the environment and the landscape, and the extent to which that should be moderated.” (DoE, 1997, para 4.5).*

Permitted development rights have been amended within the Broads Authority area so that some types of minor development require planning permission and lower volume limits apply for extensions to dwelling houses, erection of buildings within the curtilage of dwelling houses and extensions to industrial buildings and warehouses. Permitted development rights have been withdrawn for:

- roof extensions to dwelling houses
- the application of stone and some other forms of cladding to the outside of a dwelling house;
- the installation of a satellite dish on chimney stacks and on walls or roof-slopes fronting a highway (or a waterway in the Broads) as well as on buildings over 15 metres in height;
- the installation or alteration of a microwave antenna by a ‘code systems operator’ licensed under the Telecommunications Act 1984;
- fish farm excavations and engineering operations; and
- all proposals to extend or alter an agricultural building under permitted development rights may be subject to controls over siting and design.

PPG 7 states that in the Broads ‘a greater proportion of Schedule 2 proposals may require environmental assessment than in the wider countryside, because of possible effects on conservation and opportunities for public enjoyment’ (DoE, 1997, para. 4.6). The guidance also states that the Broads Authority ‘may reasonably expect a developer to address the issue of the impact of the proposal on these areas [i.e. the Broads] and to place more explicit emphasis on the consideration of alternative options’ (DoE, 1997, para. 4.6).

### *Planning Functions of the Broads Authority*

The planning functions of the Authority are contained in Part 1 of Schedule 3 to the Act. The Authority is the sole district planning authority for the Broads. It is therefore the Authority that:

- determines planning applications (apart from those relating to mineral extraction and waste disposal);
- takes planning enforcement (except in relation to County matters);
- prepares local plans;
- controls advertisements;
- protects listed buildings; and
- takes action in respect of conservation areas established under the Planning Acts.

The Authority shares with the local authorities powers in respect of:

- tree planting and Tree Preservation Orders
- historic buildings
- ancient monuments



- derelict land
- litter.

The Authority also has a specific power to undertake conservation or restoration work in respect of any building or vessel etc. in the Broads, and to make grants or loans to other bodies for this purpose.

The Authority only has a small planning team so therefore relies on the co-operation and assistance of the six district councils within whose boundaries the Broads area lies. The district councils administer planning applications on behalf of the Broads Authority. This includes registration of the applications, carrying out statutory and non-statutory consultations, preparing reports for presentation to the Broads Authority's Planning Committee and processing and sending out of decision notices following determination. There is usually a single officer, within the district council, who has responsibility for assessing applications relating to the Broads Authority and presenting reports to the Authority's Planning Committee. Authority staff are closely involved in the drafting of these reports and the Authority's Chief Planning Officer has the final say as to what recommendation is taken forward to the Planning Committee.

A similar process of co-operation applies to other aspects of planning including the preparation of development plans and enforcement matters.

These arrangements have been found to work well. It is thought that they help the Authority keep a close link, via the districts, with the local communities. All of the district council officers who carry out work on behalf of the Authority are fully aware of the management strategy and planning policies relating to the Broads (they are involved in their preparation), so differences in opinion between the district council officers and officers of the Authority on planning issues is rare (pers. comm. with Broads Authority). This ethos of partnership is fostered through regular six monthly meetings between the Authority and officers in other authorities involved in giving planning and legal advice.

### *The Broads Plan*

The Authority is required, under Part I, Section 3(3) of the Act, to prepare, and keep under review at least once in every five years, a plan, to be known as the Broads Plan. The purpose of the Plan is to set out the Authority's policy with respect to the exercise of its functions. The Broads Plan fulfils a similar role to that of National Park Plans.

### *Conservation (Part I, Sections 4 and 5)*

The Authority has the power to carry out works, or make grants or loans, for the purposes of improving water quality. The water company must consult with the Broads Authority before implementing any proposal which is likely to affect water quality in the Broads. It has to consult the Authority regarding any application to discharge trade and sewage effluent in the Broads area.

The Authority is required to produce a Code of Practice for the carrying out and maintenance of drainage works within the Broads. Where it appears that a drainage authority has failed to comply with the Code, the Authority may then give it direction as it thinks fit. Any

disagreement between the Authority and a drainage authority under the Code will be determined by the Minister for Agriculture, Fisheries and Food.

The Authority is required to prepare a map showing any areas of land within the Broads whose natural beauty it is particularly important to conserve (similar to Section 3 maps that national park authorities are required to prepare). The map must be kept under review. The Authority must consult widely about its preparation.

Section 5 of the Act allows Ministers to make Order to control the carrying out of specified damaging (agricultural) operations in areas of the Broads designated in the Orders. The Orders are restricted to areas of grazing marsh, reed bed or broad-leaved woodlands. Where a landowner intends carrying out the relevant operations the Authority must be notified. If the Authority refuses consent, the landowners will have to wait twelve months before carrying out the operations. The purpose of this twelve month period is to give the Authority an opportunity to negotiate a management agreement or, ultimately, compulsorily purchase the land).

The Authority is able to provide nature resources and make byelaws for their management.

The Authority can enter into management agreements for the purposes of conserving or enhancing the natural beauty or amenity of land in the Broads or promoting its enjoyment by the public.

The Authority has the power, for the purposes for nature conservation, to close to navigation any area of at the edge of any waterway within the Broads or to restrict navigation in such areas to particular classes of vessel. The power must not be exercised so as to close any part of a navigation channel (other than the end) or to create a serious obstruction to navigation or to prevent access by riparian owners to their land or to prevent access to any staithe which is still in use. The Authority must advertise any proposed closures and if there are objections a Public Inquiry must be held.

#### *Navigation (Part II, Sections 8-12)*

The Act places a general duty on the Broads Authority to manage the Broads for the purpose of 'protecting the interests of navigation'. The Act provided for the Authority to take over from the Great Yarmouth Port and Haven Commissioners as navigation authority for most of the public waterways within its executive area.

The Act provides for the appointment of two Navigation Officers (one for the Yare and one for the rest of the Broads). The appointment of the Navigation Officer for the Yare must be approved by the Secretary of State and must be an employee of the Authority or the Port and Haven Commissioners' Harbour Master. The Navigation Officers have powers to control and direct vessels.

The Act provides the Authority with a number of navigation powers:

- to provide moorings;
- to control, by licence, any works or dredging within or adjoining the waterways;

- to require the repair of landing places, embankments and private moorings which become a potential danger to users of the Broads waterways;
- to remove sunken, stranded and abandoned vessels;
- to maintain, improve and dredge the Broads waterways;
- to operate a vessel registration service;
- to create new rights of public navigation;
- to close parts of the waterways for navigation purposes.

The Authority also has the power to levy tolls on commercial and pleasure craft using of the Broads waterways. Such tolls fund the Authority's management of navigation (see section on funding).

The Act contains a number of provisions requiring the Authority to protect the interests of sea-going freight shipping (e.g. in discharging its functions the Authority must have particular regard to the interests of sea-going freight vessels; and the Navigation Officer for the Yare must exercise his powers with a view to ensuring the safe passage of sea-going freight vessels and in appropriate circumstances comply with directions given by the Port Authority's Harbour Master.

The Act also contains provisions to protect the interests of the Port Authority with respect to navigation. For example, the Authority must, at the Port Authority's expense, carry out such dredging operations as are required to prevent a reduction in the flow of water in the Haven at Great Yarmouth and seek the Port Authority's consent for any dredging operations which might materially affect the flow of water in the Haven.

### *Byelaws (Part I, Section 6)*

The Authority has a general power to make byelaws for the purposes of ensuring that persons resorting to land owned or occupied by the Authority or to which the general public have a right of access or which is commonly used by the general public do not damage the land or interfere unduly with its enjoyment by others.

The Authority also has the general power to make byelaws for:

- the good management of waterways;
- the conservation of their natural beauty and amenities; and
- for the promotion of their use for recreation purposes.

Specific byelaw-making powers exist for the following (Part II, Section 10, para. 10(3)):

- to control the speed of vessels;
- safety purposes and the prevention of pollution or excess noise of vessels; and
- regulating the provision and use of moorings.

## **6.5 Funding (Part III, Sections 13-17)**

The Broads Authority has a general account and a separate navigation account. Central Government provide 75% of the funding for the General Account (i.e. as per the arrangements



for the National Parks Supplementary Grant). The remainder is provided by the eight local authorities (Norfolk County Council provides 30% and the other seven councils 10% each).

The Norfolk and Suffolk Broads Act 1988 requires the Authority to have notified each constituent local authority of its budget proposals for the following financial year (beginning on 1 April) by 30 November. The Authority's budget requires the approval of at least nine of the 18 local authority members on the Authority. The demands must then be sent out to the local authorities by 15 February. The Act does not specify a date for payment of the local authorities' contributions; it is left up to the Authority to say when these contributions are payable.

The Act requires the Authority to maintain a separate Navigation Fund which is funded by levying tolls on commercial and pleasure craft using the Broads. The Navigation Account funds the management of navigation, including dredging, clearance of wrecks, signing and marking of the waterways, maintaining the Authority's free 24-hour moorings and, through the Authority's River Inspectors, ensuring safe, orderly use and practice. The Authority is obliged to balance its navigation account (but for this purpose no account is taken of capital expenditure and expenditure incurred wholly or mainly in connection with conserving the natural beauty of the Broads).

## **6.6 Management**

The Broads Authority is charged with managing the Broads. Whilst the Authority does carry out certain management works (e.g. it has a Fen Management Team and has to undertake some management work in order to discharge its navigation functions) its main role is *'to act as a catalyst, co-ordinating, influencing others; listening, consulting and drawing on the skills and local knowledge of others to secure the best future for the area and its people'* (Broads Authority, 1997a, p. 16).

The Authority has set up special panels on agriculture, recreation, research, user representatives and water to 'advise, criticise, mediate and support the work of the Broads Authority' (Broads Authority, 1997a, p. 17). It has developed a network of conservation volunteers to help carry out fundamental management tasks (in 1996/97 it is estimated that 6,500 volunteer worker days were completed (Broads Authority, 1997a)) and supports community action in the Broads. The Authority has also entered into 'key partnerships' with other public sector bodies to protect and enhance the Broads, notably: the Environment Agency, English Nature, Internal Drainage Boards; and MAFF (see case study).

The Authority's key themes and priorities for management are:

- long-term restoration of the Broads through improvements in water quality;
- flood alleviation - the Broads are under threat of salt water flooding;
- fen and wetland management;
- enhancement of the built environment - achieved through specific projects (e.g. restoration of 13 windmills part funded by a grant from the Heritage Lottery Fund) and grant aid to specific buildings; and
- interpretation and education - with the long-term aim of promoting sustainable use of the Broads.

## **Case Study: Examples of Key Partnerships Involving the Broads Authority**

### **Environment Agency**

The Broads Plan (Broads Authority, 1997) contains jointly-agreed policies with the Environment Agency about water management and Broads restoration. The Authority and the Agency are working together to establish minimum acceptable flows and environmentally acceptable river flow objectives to define the flow regimes needed to sustain the ecology of a whole river or a section of a river.

### **Internal Drainage Boards (IDBs)**

There are 19 IDBs operating within the Broads area. They work to manage the water resources on the marshes and have statutory obligations (under the Water Resources Act 1991 and Land Drainage Act 1991) to further conservation of wildlife and natural beauty of the area.

### **Broads Agricultural Liaison Panel**

This panel was established to act as a forum for regular dialogue between farming and landowning interests and the Broads Authority. The panel 'advises the Broads Authority on issues related to agriculture and conservation and considers methods of land management which are sympathetic with conservation of wildlife and landscapes' (Broads Authority, 1997a, p. 131). The panel has also served as a forum for conciliation in cases of conflict between the Authority and landowners.

### **Ministry of Agriculture, Fisheries and Food**

The Broads Environmentally Sensitive Area Scheme (ESA), introduced in 1987, is an essential part of the Authority's management strategy for the Broads as it provides financial incentives to farmers and landowners who adopt or continue with farming practices that help create and protect the distinctive landscape and wildlife features of the Broads.

Source: Broads Authority, 1997

## **6.7 Wider Context**

IUCN Category V.

## **6.8 Analysis**

The Broads Authority (1997b), as part of its Corporate Financial Plan for the period 1998/99-2000/01, completed a SWOT analysis of the Authority which identified the following:

<p><b>STRENGTHS</b></p> <ul style="list-style-type: none"> <li>• strong links with local communities, growing volunteer movement</li> <li>• legislative base which gives the Authority a status equivalent to that of a national park</li> <li>• highly motivated, well qualified and enthusiastic team of staff</li> <li>• legacy of scientific research, leaving the Authority in the forefront of lake restoration and fen management techniques</li> <li>• well developed programme of interpretative and educational events</li> <li>• well developed programme of built enhancement work</li> <li>• Broad's-wide ESA status, ensuring financial support for environmentally-led farming</li> <li>• planning authority status for the Broad's area</li> <li>• strong partnership links with other local, national and European conservation organisations and government agencies (e.g. MAFF, EN, EA)</li> <li>• direct labour teams who can bring about visible improvements on the ground</li> <li>• local government base which provides the Authority with a sound financial and administrative framework</li> <li>• strong links with landowners</li> </ul>	<p><b>WEAKNESSES</b></p> <ul style="list-style-type: none"> <li>• incomplete knowledge of how to bring about ecological restoration</li> <li>• specific legislative base which sometimes restricts the Authority in its decision making options</li> <li>• poor understanding of natural processes, particularly the hydrology of Broadland</li> <li>• potential for bureaucracy and slowness in decision-making resulting from a membership of 35</li> <li>• reliance on other bodies. e.g. EA to regulate and manage water</li> <li>• poor agreement on objectives and targets for restoration and management (i.e. perception of conflicting interests between conservation, recreation and navigation)</li> <li>• a legacy of poor quality development and downgraded built environment</li> <li>• intensive visitor pressures on some areas</li> <li>• limited financial resources</li> <li>• non-availability of capital funding</li> <li>• inadequate staff numbers to cope with growing programme of work</li> <li>• DETR limit on management and administration running costs</li> <li>• no direct influence on catchment management</li> </ul>
<p><b>OPPORTUNITIES</b></p> <ul style="list-style-type: none"> <li>• continually evolving ESA scheme, meeting many of the Authority's objectives</li> <li>• funding opportunities from the EC and other external sources</li> <li>• joint working/funding partnership opportunities with conservation and other bodies</li> <li>• (given adequate funding) development of an Authority wide IT system to improve communications and efficiency</li> </ul>	<p><b>THREATS</b></p> <ul style="list-style-type: none"> <li>• poor ecological progression (continued bank erosion, pollution and poor water quality)</li> <li>• climate change resulting in reduced freshwater resources and increased saline flooding</li> <li>• external pressure for agricultural change which reduces the viability of traditional funding practices</li> <li>• unsuitable development both within and just outside the Authority's executive area</li> <li>• rapidly expanding population in the Broad's catchment, further threatening water resources and quality</li> <li>• pressure for new roads resulting in loss of ecological quality, landscape change and reduced tranquillity</li> </ul>

Source: Broad's Authority, 1997b

## 6.9 Key Points

- a legislative base drafted to meet the specific requirements of the Broad's whilst giving the Authority equivalent status to that of a national park authority;



- direct involvement of key government agencies in the Broads Authority (e.g. Countryside Commission, English Nature and Environment Agency);
- partnership style of operation;
- special provision for navigation interests under the provisions of the Norfolk and Suffolk Broads Act 1988 (e.g. Navigation Committee, Navigation Account and requirement to consult with Great Yarmouth Port Authority;
- planning authority status for its area but reliance on the constituent district councils to process planning applications and present reports to the Authority's planning committee.

but

- incomplete control/influence over the catchment area beyond the Broads Authority boundary, particularly important for the water environment of the Broads (i.e. no buffer zone);
- reliance on the ESA scheme to meet many of the Authority's objectives and lack of powers to control landscape change resulting from agricultural activities;
- potential bureaucracy and slowness of decision-making resulting from a membership of 35;
- reliance on the Environment Agency to regulate and manage much of the water environment



## CHAPTER 7: SUSSEX DOWNS CONSERVATION BOARD

*The Sussex Downs Conservation Board is responsible for the management of the Sussex Downs Area of Outstanding Natural Beauty (AONB). The AONB covers some 983km<sup>2</sup> with approximately a third of the area in the County of East Sussex and two thirds in West Sussex.*

### 7.1 Purposes

Under the terms of the agreement that established the Sussex Downs Conservation Board (hereafter referred to as the Board), the Board's objectives are:

- to protect, conserve and enhance the natural beauty of the Sussex Downs AONB, including its physical, ecological and cultural landscape;
- to promote the quiet informal enjoyment of the Sussex Downs AONB by the general public but only so far as is consistent with the first objective; and
- generally to promote sustainable forms of economic and social development especially working with farmers and landowners to encourage land management which supports the two objectives above (Sussex Downs Conservation Board, 1993, p. 1).

The objectives of the Board are wider than the single objective (to conserve and enhance natural beauty) of AONB designation.

### 7.2 Selection and Establishment

The Sussex Downs have long been regarded as deserving of protection. In 1934 East Sussex County Council promoted a South Downs Preservation Bill. In 1945 John Dower included the South Downs in his list of '34 other amenity areas', and in 1947 the National Parks Committee recommended National Park status for the South Downs. The National Parks Commission did not agree with the Hobhouse Committee about the South Downs. When the Commission came to look at the area in 1957 they felt that the continued intensification of farming had so reduced the downland resource that the recreational quality of the area had been significantly eroded with insufficient 'wilderness areas' and National Park designation was therefore no longer appropriate. Instead, the Sussex Downs were formally designated as an AONB (in 1966) (the Downs in East Hampshire were covered by the East Hampshire AONB, designated in 1962).

Limited co-operative working between the local authorities and other amenity and land-user groups with an interest in the South Downs was achieved through a 'Statement of Intent' for the AONB agreed between the county councils of East Sussex and West Sussex in 1986 (Green Balance, 1996). The principal practical impact of this agreement was an annual meeting of a Sussex Downs AONB Forum. This lacked any power or status and served as a forum for discussion.

Concern over the future of the Sussex Downs AONB increased during the late 1980s due to:

- development pressures from the adjacent urban areas;
- deteriorating landscape quality resulting from the impacts of intensive agriculture and neglect;



- increasing visitor pressure (it is estimated that the Downs receives about 32 million visits annually - 50% more visits than the Peak District National Park); and
- lack of co-ordination and resources in the management of the Downs (Green Balance, 1996).

The Sussex Downs Forum agreed that a more co-ordinated and managed approach to the Sussex Downs AONB was required and that more resources should be made available for the task by both local authorities and Government (Green Balance, 1996). Whilst discussing the merits of National Park status for the South Downs, the Forum and constituent local authorities agreed to establish a statutory joint committee (under the Local Government Act 1972). The Countryside Commission were closely involved in the development of the idea and formally approached for funding. The timing of the proposal was ideal for the Commission in that it was keen to implement the findings of its own policy review on AONBs (Smart and Anderson, 1990) and the Conservation Board concept would 'test many of the measures available for securing national AONB objectives within existing legislation' (Green Balance, 1996, p. 13).

The Sussex Downs Conservation Board came into being on 1 April 1992 as a result of an agreement between the Countryside Commission and the 13 local authorities in the Sussex Downs Area of Outstanding Natural Beauty. The aim was to establish an AONB-wide co-ordinated and integrated countryside management service. The AONB was to be treated as a single unit for both management and land use planning purposes. A development control notification scheme was established to provide the Board with a formal opportunity to comment on applications prior to decisions being taken by the appropriate local authority, and a management plan was to be prepared by the Board and then implemented.

The Board was initially established for a six year period ending on 31 March 1998. Following a bid to the Countryside Commission by the Conservation Board for further funding, the Commission decided to offer additional funds for a three year period targeted at priority projects (Countryside Commission, 1997a). The Commission agreed to this request for additional funds pending the establishment of a permanent organisation for the South Downs.

### **7.3 Administrative Arrangements**

Legally, the Board is a joint committee established under Section 102 of the Local Government Act 1972. The 36 members of the Conservation Board are appointed/nominated as follows:

- six by East Sussex County Council;
- six by West Sussex County Council;
- one each by Adur, Arun, Horsham, Lewes, Mid Sussex and Wealdon District Councils and Brighton, Eastbourne, Hove and Worthing Borough Councils;
- two by Chichester District Council (this is a reflection of the area of land that Chichester District Council has within the AONB);
- twelve members appointed by the Countryside Commission (the Commission is required to consult a range of organisations for nominations to the Board: eight of which are national; two regional and six Sussex-based).

In addition, the Board appoints an independent chairman who becomes an additional member of the Board.

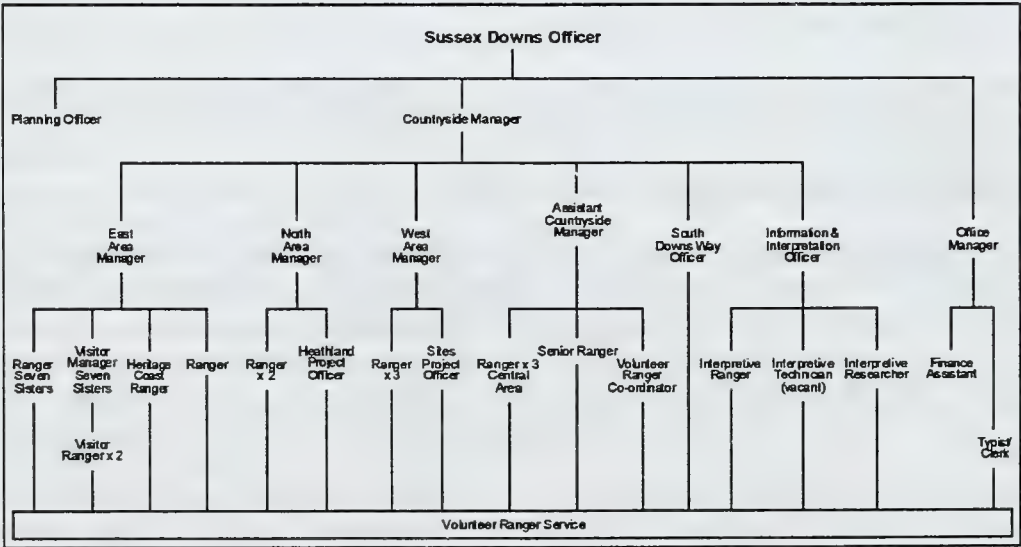
With two-thirds of the membership of the Board being appointed by local authorities and representation of local interests within the Countryside Commission appointees, the Board has strong local links. Elected members attending Board meetings are expected to take decisions in the best interests of the Board rather than as delegates from the local authorities, though they naturally bring with them their own experience of issues affecting the Downs (Green Balance, 1996).

With a total membership of 37, the Board decided to appoint a smaller group of members, the Executive Committee, to steer its work and a Planning Committee to undertake the Board's role in the town and country planning process (Sussex Downs Conservation Board, 1993).

The participating local authorities provide a variety of services for the Board:

- the Clerk to the Board is the County Secretary of West Sussex County Council;
- the Treasurer to the Board is the County Treasurer of East Sussex County Council;
- the Honorary Planning Adviser to the Board is the Chief Planning Officer for Chichester District Council; and
- personnel services are provided by East Sussex County Council.

**Figure 7.0. Organisational Structure of the South Downs Conservation Board**



The Board currently employs, directly or on secondment, 30 staff. The staff structure is illustrated in Fig. 7.0. Most of the staff are based at the Board's head office in Storrington but the countryside management service is delivered on a local basis from four area offices, each run by an Area Manager. In addition to this traditional segregation of duties and responsibilities, each area manager and a few other staff take responsibility for one AONB-wide policy area, such as access, training, health and safety etc.

## 7.4 Powers and Policies

**Figure 7.1. Terms of Reference for the South Downs Conservation Board**

- To appoint and direct the work of the Sussex Downs Officer
- To produce, review and implement a management plan for the Sussex Downs AONB
- To develop a countryside management service to implement the Sussex Downs management plan through a programme of work; manage and maintain areas of land for public access; manage, maintain and promote public rights of way and the South Downs Way; extend public access through management agreements; provide new informal recreation facilities and improve visitor management services.
- To make observations to local authorities on the exercise of their planning responsibilities.
- To provide advice and grant aid to owners and occupiers of land, and local communities in order to secure the Board's objectives
- To stimulate and encourage voluntary activity comparable with the objectives of the Board.
- To act as a forum for communication between constituent statutory authorities and other interested bodies in all matters relating to the Sussex Downs AONB.
- In due course to consult the relevant authorities in Hampshire about the desirability and practicality of extending the role of the Board to include the East Hampshire AONB.
- To publish an annual report for submission to the constituent statutory authorities and for public information.
- To keep under review the possible designation of the AONB as a National Park or as part of a National Park.
- In consultation with the constituent authorities, to review the constitutional and financial arrangements provided for in the Agreement.

The terms of reference that accompanied the agreement establishing the Board (see Fig. 7.1) detail the precise role of the Board, its powers and responsibilities.

### *Central Government Planning Policies for AONBs*

As an AONB, the South Downs, is subject to the planning guidance for such areas contained in PPG 7 - "Planning Policy Guidance: The Countryside - Environmental Quality and Economic and Social Development" (DoE, 1997) (see Fig. 7.2).



**Figure 7.2. Central Government Planning Policies for AONBs: Extracts From PPG 7**

*"The primary objective of designation is conservation of the natural beauty of the landscape. Local authorities should reflect this objective in their structure and local plans and development control" (para. 4.7).*

*"In general, policies and development control decisions affecting AONBs should favour conservation of the natural beauty of the landscape. In all cases the environmental effects of new proposals will be a major consideration, though it will also be appropriate to have regard to the economic and social well-being of the areas" (para. 4.8).*

*"It would normally be inconsistent with the aims of designation to permit the siting of major industrial or commercial development in these areas. Only proven national interest and lack of alternative sites can justify an exception" (para. 4.8).*

*"Applications for new mineral workings, or extensions to existing works, in AONBs must be subject to the most rigorous examination. If permission is granted, it should be subject to appropriate standards of operation, restoration and aftercare" (para. 4.9).*

*"Similar considerations [to mineral workings] apply to proposals for new road construction. The methods of assessment used to appraise trunk road proposals already take account of their impact on the landscape, but schemes affecting AONBs should be examined with particular care to ensure that a new road is needed and that the route and design chosen do as little damage to the environment as practicable. Wherever possible, new trunk routes should be kept away from AONBs" (para. 4.10).*

Source: Department of the Environment, 1997

Whilst the South Downs are no different from any other AONB in terms of central government planning policies, the establishment of the Conservation Board has had an impact on the local arrangements for formulating development plan policies and determining individual planning applications.

### *The Planning Functions of the South Downs Conservation Board*

The Board's Terms of Reference provide it with a duty to make observations to the constituent councils on the exercise of their town and country planning responsibilities as they affect the Sussex Downs AONB (see Fig. 7.1), including:

- the implications of strategic and local planning policy;
- the provision of design or other supplementary guidance;
- the preparation and implementation of structure and local plans;
- the effects of development proposals in the AONB outside defined settlement areas in accordance with the Development Control Scheme (see below).

The general emphasis of the Board's involvement in the planning process is *'to help to ensure that the AONB is given appropriate value in planning decisions and that the different elements that contribute to the special quality and character of the AONB are given appropriate protection in development plan policies'* (Sussex Downs Conservation Board, 1995, p. 7).

The Board has sought to promote the insertion of planning policies specific to the AONB within appropriate development plans so as to conserve the special character of the AONB (Green Balance, 1996). All authorities in the Sussex Downs area now fulfil Government policy by having policies specific to the AONB but the Board has achieved mixed results with

its comments on local plans (Green Balance, 1996). The Board did manage to get proposals for a new settlement within the AONB and release of land for business purposes to be dropped from the East Sussex Structure Plan Consultation Draft.

The Board has no executive powers in terms of development control but the development control scheme agreed with the local planning authorities does give it significant rights and duties as a consultee. The key features of this scheme are provisions for:

- consultation with the Board by local planning authorities on planning applications above prescribed sizes (with a specified period of response within which the local authority undertakes not to determine an application);
- the Board to exercise a 'right to be heard' (at a planning committee or other agreed arrangement) if the local planning authority intend to decide a planning application at variance with the Board's advice; and
- the Board to provide evidence (written representations, or written or oral evidence) in the event of appeals arising from refusals of permission or from enforcement action.

In its first four years (to 31 March 1996) the Board was:

- consulted on 689 planning applications;
- raised objections on 226 occasions (180 of these applications were refused, satisfactorily amended or withdrawn);
- indicated that it would exercise its right to be heard on 59 occasions, if the local authority was minded not to follow the course recommended by the Board;
- has formally exercised its right to be heard on nine occasions.

A study into the effectiveness and achievements of the Board (Green Balance, 1996) concluded that the development control scheme has worked well. Whilst in the majority of cases the local planning authorities would have taken the same decision as the Board without its representations, there have been instances when the views of the Board have helped to sway decisions and the Board's presence and watching brief have helped to ensure that the local planning authorities take a more rigorous approach to development control than might otherwise have been the case (Green Balance, 1996). When the 'right to be heard' has been invoked (i.e. in cases where the local authority has indicated an intention to contradict the Board's advice), the Board has successfully changed the authorities' decisions on five of the nine occasions (Green Balance, 1996). The study by Green Balance (1996) concluded that: *"The Board has been pressing its views on receptive ears and has not yet been fully tested by development threats or by conflicting attitudes in any level of government"*, however, *"... there are two distinct discrepancies with objectives in (a) the Board's antipathy to offer building design guidance and (b) its lack of attention to using the planning system to assist local economic and social needs"* (p. 50).

### *Management Planning and Policies*

The terms of reference for the Board required the production and implementation of a management plan for the Sussex Downs AONB, in consultation with the constituent local authorities.



The Board gave this task priority, with the aim of:

- producing an all-encompassing management plan;
- engaging Board staff and other key interests in the AONB in the preparation process in order to ensure wide ownership of, and commitment to, the final plan; and
- producing a document that was based on a long term vision for the AONB and a framework for action (relevant to all bodies) to ensure achievement of this vision (Green Balance, 1996).

The final plan was formally adopted in July 1996 (after a gestation period of more than four years). It is based around five key themes:

- Conserving natural beauty - a guiding principle of the management strategy is to promote action that will conserve the natural beauty;
- Towards a sustainable economy - the strategy seeks to encourage only those activities in the AONB which sustain its natural beauty;
- Living in the AONB - recognition of the economic and social needs of the 47,000 people living in the AONB;
- Enjoying the landscape - helping people to enjoy the AONB quietly within the constraints required to conserve and manage the natural beauty;
- Partnership in practice - recognition that successful implementation of the management strategy requires participation and action from organisations and individuals other than the Board itself (i.e. individual landowners and voluntary and statutory agencies).

The Management Strategy is now used as a guide by the Board to determine practical programmes of work, but the study by Green Balance (1996) questioned its value beyond the Board as many of the potential 'partners' were sceptical about the level of resources available to implement the proposed action.

### *Rights of Way*

The terms of reference of the Board provide for the promotion of quiet, informal enjoyment of the Sussex Downs AONB by the general public (see Fig. 7.0); more specifically they require the Board to:

- manage and maintain the rights of way network within the AONB and encourage use the network;
- manage and maintain the South Downs Way and encourage its use; and
- extend and improve opportunities for public access through management and access agreements, the creation of new paths by agreement and circular walks and rides.

Figures from the study undertaken by Green Balance (1996) indicate that the costs of maintaining public rights of way have been reduced following the establishment of the Board whilst the amount of practical work has increased. The Board has also adopted a policy of installing distinctive 'corporate' signposting for the AONB using its own design and the nationally agreed symbols. Whilst the Board has negotiated some modifications to the public rights of way network the highway authorities remain responsible for legal arrangements.



The Board has not concluded any access or management agreements (for public enjoyment purposes) in its own name as this was impractical because of the Board's limited lifespan (Green Balance, 1996). However, the Board has acted as an enabler in assisting farmers and landowners to use payments under other schemes (e.g. the Environmentally Sensitive Area scheme and Countryside Stewardship) to improve access.

### 7.5 Funding

The expenditure of the Board is funded by the Countryside Commission and the two county councils in the following proportions:

Countryside Commission	50%
West Sussex County Council	30%
East Sussex County Council	20%

The contribution of the Countryside Commission is higher than normally offered in AONBs and reflects the experimental nature of the project (Sussex Downs Conservation Board, 1997). This higher level of funding has been a critical factor in the Board's achievements (Green Balance, 1996).

The Board receives the money annually in June, in arrears, following the submission of claims. The Board has the facility to make interim claims on two other dates during the year. The 30% contribution from West Sussex County Council is paid quarterly in arrears. Payment arrangements by East Sussex County Council are not as clear cut but the County Council holds the Board's accounts and thus acts as its bankers (Green Balance, 1996). A small element of the East Sussex County Council contribution comes from Hove Borough Council and Lewes and Wealdon District Councils: this reflects the contributions they make to the County Council for countryside services in the Downs.

The Board's annual budget is about £1.3m (including generated income). Details of the Board's expenditure for 1996/97 are provided in Fig. 7.3.

**Figure 7.3. Net Expenditure by the South Downs Conservation Board 1996/97**

<b>Expenditure Item</b>	<b>% of Total Expenditure</b>
Countryside Management Services	38
Recreation and Conservation Services	20
Head Office	18
Rights of Way	8
Information and Interpretation	7
Dutch Elm Disease	5
South Downs Way	4

Source: Sussex Downs Conservation Board, 1997.

## 7.6 Management

The terms of reference of the Board in terms of countryside management are extensive and include a requirement for the Board to develop an integrated countryside management service for the Sussex Downs AONB which shall be responsible for:

- *“implementation of ... a programme of works to enhance the landscape and conservation interest of the AONB;*
- *management and maintenance of areas of land for public access including country parks, picnic sites, nature reserves, common land and open spaces and securing compliance with by-laws and other legislation...;*
- *provision of new informal recreation facilities, such as car parks, interpretation, visitor centres and information services;*
- *improved visitor management services to reconcile potential conflicts between visitors and environmental interests and to enhance public enjoyment” (quoted in Green Balance, 1996, p. 17).*

The Board agreed an operational structure for its countryside management service in June 1993 based on landscape and topic areas (see Fig. 7.0). The Board employs 26 countryside management staff and there are 283 volunteer rangers who undertook 3,100 days of work on 367 volunteer tasks during 1995/96 (Sussex Downs Conservation Board, 1996). East and West Sussex County Councils have delegated responsibility for countryside management services to the Board, in Hampshire responsibility for countryside management is retained by the county council.

The countryside management service undertakes a wide range of tasks to achieve the Board's objectives including:

- conservation tasks e.g. restoration of chalk grassland, scrub clearance etc.;
- improvements to public rights of way (proW) in 1995/96 countryside management service staff surveyed 1,445 km of proW; 109,548 metres were cleared; 13,211 metres 'surfaced' or drained; 169 stiles repaired or replaced and 715 waymarkers installed (Sussex Downs Conservation Board, 1996);
- leading guided walks and organising other events - 62 guided walks were led/organised by the countryside management service in 1995/96 (Sussex Downs Conservation Board, 1996);
- management of Seven Sisters Country Park and 46 other separate sites. The majority of these sites were inherited from West Sussex County Council.

The Board, and its countryside management service, relies on a variety of partnerships to implement its management strategy (see above). The Board has been particularly successful in forging practical partnerships with parish councils. It has worked on practical projects (e.g. restoring ponds, improving visitor management) with more than half of the parish councils in the AONB. It also convened a series of discussion meetings around the AONB to provide local communities with an opportunity to approach the Board and discuss issues of concern (Green Balance, 1996).

Whilst responsibility for managing local authority owned or leased sites has ensured a high profile public face for the Board the effectiveness study undertaken by Green Balance (1996) concluded that it was not a good use of Board resources as it involved staff in routine day-to-day tasks that could be just as effectively undertaken by local authority employees or others.

## **7.7 Wider Context**

IUCN Category V.

## **7.8 Analysis**

The Sussex Downs Conservation Board is the first of its type ever created for an AONB. A study into the achievements and effectiveness of the Conservation Board for the Countryside Commission (Green Balance, 1996) concluded that there were three main benefits resulting directly from the Board structure:

- value for money in countryside management services;
- engagement in planning procedures; and
- the Board structure offers an AONB-wide perspective with a degree of independence from local government, whilst still giving local planning authorities a stake in the system.

The Board is an AONB-wide structure (N.B. it is unusual to have a single body responsible for an AONB) which is seen as having some independence from local government (Green Balance, 1996). The Board has provided a clear focus on the AONB and acted as a catalyst for practical action.

## **7.9 Key Points**

- the Board is seen as semi-independent from local government yet benefits from local government finance and representation;
- involvement of the Countryside Commission in terms of nominations to the Board and core funding;
- engagement in planning procedures is deemed to have worked well;
- partnership style of operation;
- efficiency savings in terms of countryside management;
- existence of the Board acts as a focus for AONB issues and helps ensure that the constituent local authorities consider issues from an 'AONB perspective'.

but:

- incomplete control/influence over planning policies and decisions; the Board has no delegated powers and relies on the constituent local authorities acting in accordance with its advice/views;
- incomplete control/influence over public rights of way (i.e. legal arrangements for definitive maps, modification orders etc. remain with highway authorities);
- many of the achievements of the Conservation Board could not have been achieved without the extra funds made available by the Countryside Commission who provided 50% of the Board's budget;



- limited lifespan of the Board has acted to prevent it becoming involved in negotiating access and/or management agreements itself.

### **7.10 Footnote**

In 1996, the Sussex Downs Conservation Board launched a consultation exercise on the future of the area. This favoured the maintenance of the Board but with longer term and guaranteed funding.

Following the election of the new government in May 1997, the Secretary of State asked the Countryside Commission to advise him on the most appropriate status for the South Downs and their management. He made it clear that all options would be considered, including the possibility of National Park status. This followed a campaign by a number of bodies to secure National Park status for the area, and so realise at long last the Hobhouse proposals (see above).

The Commission's consultation document, "Conserving the South Downs – Providing for their Needs", was published in 1997. A number of options were canvassed:

- AONB under current arrangements;
- AONB with enhanced powers;
- National Park;
- tailor-made statutory authority.

The Commission's decision, at its meeting in April 1988, was to advise the Secretary of State that it recommended the option of an AONB with enhanced powers. The Conservation Board should be made a statutory body, eligible for 50% government funding, under general legislation already advocated by the Commission, and which could be applied to other AONBs. The Board should function not only in the Sussex Downs, as now, but also extend its authority to the East Hampshire AONB. The Commission felt that the South Downs was not suitable as a National Park according to the criteria under the 1949 Act and the updating of the Edwards Panel (see chapter 5). They also felt that a relaxation of the standards as they applied to the South Downs would logically lead to credible proposals for other National Parks in England which would devalue the status of these areas.



## CHAPTER 8: THE NEW FOREST HERITAGE AREA

*The New Forest Heritage Area extends to about 58,000 ha. Nearly half of this area is Crown land managed by the Forestry Commission, of which 8,648 ha is enclosed and 18,512 ha is open to Commoners' livestock, comprising heathland, pasture woodland and other habitats (New Forest Committee, 1997). The rest of the New Forest Heritage Area is in multiple ownership.*

*The open forest includes both Crown owned land and privately owned commons. The boundary to this land is fenced and grided and known as the New Forest Perambulation. The New Forest Acts apply to this area and the Verderers protect the Rights of Common and traditional character of the Forest.*

### 8.1 Purposes

The New Forest Committee has proposed that the purpose for the New Forest Heritage Area should be:

- *“to conserve and enhance its natural beauty, wildlife and cultural heritage;*
- *to maintain the historic dispersed pastoral regime relating to commoning; and*
- *to foster public understanding and sustainable enjoyment of the New Forest Heritage Area” (New Forest Committee, undated).*

### 8.2 Selection and Establishment

In the early 1980s the New Forest District Council, with encouragement from the Countryside Commission, developed the idea of a ‘New Forest Heritage Area’. In 1986, the Forestry Commission, stimulated by mounting concern about the decline in the traditional pastoral economy and the pace and scale of new development initiated a review of the management of the New Forest. The Review Group, established by the Forestry Commission, endorsed the concept of a New Forest Heritage Area:

*“We look towards the day when any reference to the New Forest will automatically mean the Heritage Area, when planning policies are unified and a common identity has developed for this wider New Forest that lies at the heart of our recommendations”.*

and specifically recommended that:

*“The New Forest Heritage Area should be recognised at Government level as requiring special protection, being of the highest national and international importance and of equal status with the National Parks and Broads”.*





The Government agreed in principle with this concept and recommended the establishment of a Heritage Area Committee (now called the New Forest Committee) to agree boundaries for the Heritage Area 'to incorporate essential grazing land as well as the best of the landscape around the Forest's Perambulation'. The New Forest Committee has been in existence since 1990.

The National Parks Review Panel (1991) recommended that the New Forest should be formally recognised as a National Park but with tailor-made constitution. The Government response stated that it '... intends to take steps to designate the New Forest area as one of national significance within which the strongest protection of landscape and scenic beauty should apply' (Department of the Environment and Welsh Office, 1992, p. 24).

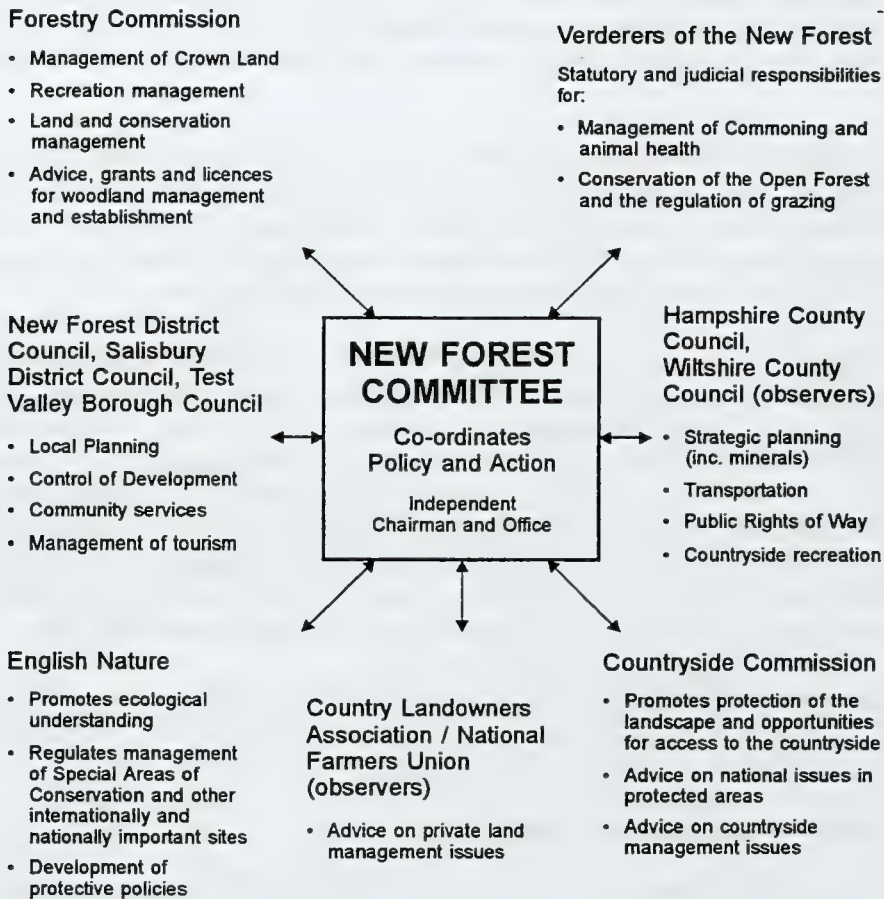
In a consultation paper issued in 1992 the Government proposed making the New Forest Heritage Area a statutory designation, with a planning regime similar to that operating in National Parks. The consultation paper also raised the possibility of establishing a new statutory body, based on the New Forest Committee, to plan and manage the Heritage Area. However, in 1994 the Environment Minister announced that the Government had decided to abandon any proposals that would require primary legislation (due to a lack of Parliamentary time and opposition from local MPs) and was, instead, writing to the local planning authorities responsible for the area asking them to define the New Forest Heritage Area in their development plans and to apply appropriate policies (i.e. national park policies).

The New Forest Heritage Area (see Fig. 8.0) has been 'defined' by the New Forest Committee, after taking account of the views of the Countryside Commission, and is effectively designated through its identification in development plans.

### **8.3 Administrative Arrangements**

The New Forest Committee is a non-statutory body set up in 1990 following the New Forest Review (1989). The Committee was established through a Memorandum of Agreement of the main Committee Members (i.e. excluding the observers identified in Fig. 8.1). In legal terms it is an unincorporated voluntary association and as such, cannot act as a legal entity in its own name. It consists of officers and councillors representing the main statutory organisations with responsibilities within the New Forest with an independent chairman.

**Figure 8.1. Membership of the New Forest Committee**



The mission of the New Forest Committee is 'to ensure that the New Forest Heritage Area is conserved and enhanced for future generations, by co-ordinating and supporting the activities of the key Forest organisations and other interested parties, maintaining their commitment to protect and enhance the special character of the New Forest, through implementation of a Strategy for the New Forest' (New Forest Committee, 1998). The terms of reference for the Committee have been agreed as:

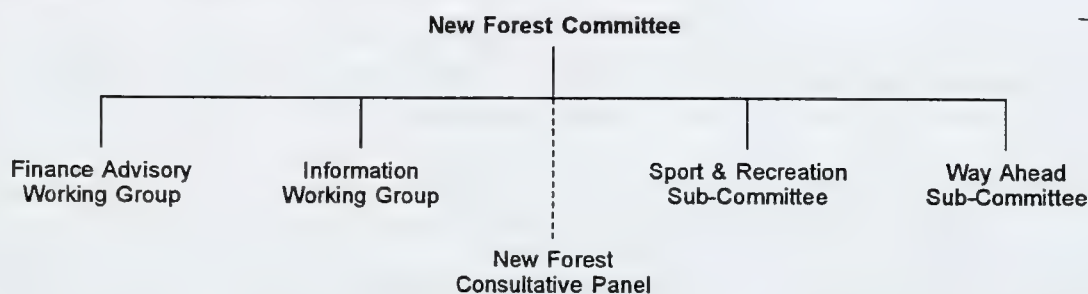
- to promote the conservation of the traditional character of the New Forest Heritage Area through the encouragement of common strategies, policies and attitudes;
- to keep under review and recommend action required to maintain the balance of natural and socio-economic forces which determine the character of the New Forest Heritage Area;
- to meet periodically with the New Forest Consultative Panel (see below) or its equivalent to discuss matters of concern in the New Forest Heritage Area;
- to prepare and promote a strategy for co-ordinated management of the Heritage Area; and
- to pursue the recommendations addressed to it in the New Forest Review 1998. (New Forest Committee, 1998)

In 1997/98 the New Forest Committee supported four sub-committees and a Consultative Panel to assist and advise it in delivering "A Strategy for the New Forest". The aim is to have



working groups for most of the key areas of work. This is seen as the best way to ensure co-ordination of effort and minimise the administrative burden on the Committee staff.

**Figure 8.2. Structure of the New Forest Committee 1997/98**



Source: New Forest Committee, 1998

The New Forest Consultative Panel was established by the Forestry Commission in September 1970 to act as a sounding board for local public opinion on the management of the Forest. The Panel comprises representatives drawn from:

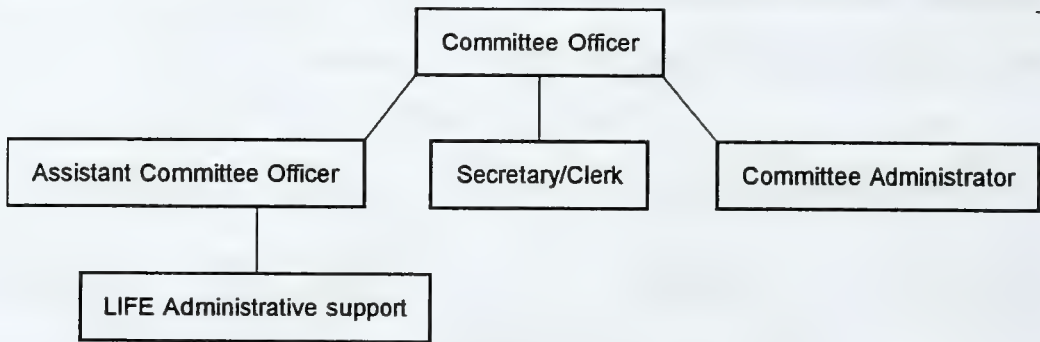
- Parish, town, district and county councils
- Amenity, conservation and other voluntary groups
- Sporting and recreational organisations
- Statutory bodies with responsibilities in the New Forest

Prior to 1990 the Panel focused on matters affecting the perambulation of the New Forest. However, following the acceptance of a wider New Forest Heritage Area, the Panel's membership has been extended to include representatives from the whole of the New Forest Heritage Area. There are now 72 organisations represented on the Panel.

The Panel meets six times per annum, in open session (i.e. the meetings are open to the public). The Panel contributes to the New Forest Committee's task of ensuring that its members are working together to promote the conservation of the traditional character of the Forest. Panel members can raise and discuss any matter which affects the management or life of the Forest. This is then taken forward for consideration and action, if necessary by the New Forest Committee.

The New Forest Committee employs three full-time staff (see Fig. 8.3) and one part-time administrative support officer who works on a project funded through LIFE. The Committee is also supported by a 'Committee Administrator' seconded by New Forest District Council; the Forestry Commission provide staff and personnel services; and the Forestry Authority offer financial support services. All the staff are technically employed by the Forestry Commission until the end of October 1998; arrangements are currently being reviewed (the long-term aim is a new structure under which the Committee can employ its own staff).

**Figure 8.3. Organisational Structure of the New Forest Committee Staff**



Source: New Forest Committee, 1998

New Forest Committee staff help deliver Committee objectives through a range of activities including:

- setting up, managing and reporting on activities of working groups;
- developing and maintaining links with appropriate specialist organisations, government agencies and departments etc.;
- securing and maintaining support and co-operation for implementing strategy objectives from New Forest Committee members and other organisations;
- contributing to the production of annual work programmes and annual reports;
- developing community links and running workshops where appropriate;
- providing technical input into Strategy casework as appropriate, providing evidence for public inquiries etc.;
- providing technical input for communications work (e.g. making presentations to the New Forest Consultative Panel);
- detailed technical input into policy and project design;
- setting up and managing research contracts; and
- detailed project management.

#### **8.4 Powers and Policies**

In July 1994 the Government announced that the same planning principles would apply to the New Forest Heritage Area as to a National Park. “PPG 7: The Countryside - Environmental Quality and Economic and Social Development” (DoE, 1997) makes reference to this announcement and states that ‘When the New Forest Heritage Area has been defined through local plans, the Government intends to amend the General Permitted Development Order to bring permitted development rights there into line with those in National Parks and the Broads’ (page 33).

## 8.5 Funding

The New Forest Committee is funded by its members in the following proportions:

Countryside Commission	18.25%
Forestry Commission	18.25%
English Nature	9.00%
Hampshire County Council	18.25%
New Forest District Council	18.25%
Salisbury District Council	9.00%
Test Valley Borough Council	9.00%

The budget is currently fixed at £120,000 per annum. Staff costs account for approximately 75% of the budget; accommodation and running costs for about 11%; and communications for 7%.

## 8.6 Management

### *Management Strategy*

In 1996, the New Forest Committee published “A Strategy for the New Forest” which contains aims and objectives for the long-term care of the Forest. This document has no formal status but the Government welcomed its production. It provides a discretionary framework for organisations working in the New Forest Heritage Area.

### *Co-ordination and Co-operation*

The main effect of the New Forest Committee (as opposed to the New Forest Heritage Area designation) is that it provides a mechanism to help co-ordinate the activities of the different statutory bodies with responsibilities for the New Forest Heritage Area, or part of it.



## 8.7 Analysis

**Figure 8.4. Strengths and Weaknesses of the New Forest Committee**

Main roles	Strengths	Weaknesses
Co-ordinating	<ul style="list-style-type: none"> <li>• most key organisations in committee membership</li> <li>• strategy agreed</li> <li>• wide consultation through Panel</li> <li>• wide support, non-partisan image</li> <li>• can co-opt in agencies</li> </ul>	<ul style="list-style-type: none"> <li>• English Heritage and Environment Agency not on Committee</li> <li>• difficulty ensuring compliance due to non-statutory nature</li> <li>• Panel not directly involved</li> <li>• time consuming</li> </ul>
Communicating	<ul style="list-style-type: none"> <li>• agreed strategy</li> <li>• wide and interested audience</li> <li>• people have heard of the New Forest</li> <li>• strong local traditions</li> <li>• contact with wide range of local and national agencies</li> <li>• positive message</li> </ul>	<ul style="list-style-type: none"> <li>• insufficient staff</li> <li>• limited budget</li> <li>• Committee not well known</li> <li>• New Forest Heritage Area not well understood</li> </ul>
Raising awareness locally, nationally and internationally	<ul style="list-style-type: none"> <li>• New Forest well known</li> <li>• international contacts through FNNPE</li> <li>• LIFE bid</li> </ul>	<ul style="list-style-type: none"> <li>• New Forest Heritage Area not well understood</li> <li>• Committee not well known</li> <li>• limited international involvement</li> </ul>
Policy development	<ul style="list-style-type: none"> <li>• broad overview and commitment to whole area</li> <li>• wide contacts</li> <li>• perceived national need</li> <li>• importance</li> </ul>	<ul style="list-style-type: none"> <li>• no national status</li> <li>• staff resources</li> <li>• discretionary support from member organisations</li> </ul>
Maintaining the integrity of the New Forest	<ul style="list-style-type: none"> <li>• planning powers for local authorities as it National Park</li> <li>• good networking arrangements</li> </ul>	<ul style="list-style-type: none"> <li>• planning status no confirmed through changes to GPDO</li> <li>• no statutory status</li> <li>• New Forest Heritage Area not well understood</li> <li>• boundary not fixed</li> </ul>
Secure funding for New Forest Committee and constituent organisations	<ul style="list-style-type: none"> <li>• very identifiable cause</li> <li>• agreed strategy</li> <li>• independent body</li> </ul>	<ul style="list-style-type: none"> <li>• informal status</li> <li>• staff resources</li> </ul>
Research and monitoring	<ul style="list-style-type: none"> <li>• good links with research organisations</li> <li>• good library</li> <li>• strong accumulated staff knowledge</li> </ul>	<ul style="list-style-type: none"> <li>• costs of reassert and staff time in organising and maintaining information</li> <li>• staff dependent information</li> <li>• difficulties of access and dissemination</li> </ul>

Source: New Forest Committee, 1998

In the proposed business plan for the New Forest Committee for the period 1997-2002 there is a SWOT analysis of the current organisation (see Fig. 8.4). This has led the Committee to draw the following conclusions:

- more staff are needed (there is an estimated need for two additional professional staff: a Transport and Planning Officer and a Recreation and Tourism Officer);
- a long-term structure and continuity of member involvement are required;
- formal government recognition of the importance of the New Forest Heritage Area is desirable;
- more financial resources are needed;
- the New Forest Heritage Area should be better understood; and
- local authorities and other agencies could greatly strengthen implementation of the strategy by adopting it as supplementary planning guidance or pursuing some other formal adoption.

In a document entitled “Draft Proposals for the Special Protection of the New Forest Heritage Area”, the New Forest Committee (1998) identify a number of reasons for greater and fully integrated protection, resourcing and recognition for the New Forest Heritage Area:

- **Lack of statutory landscape designation for the whole of the New Forest Heritage Area** - this is believed to put the New Forest Heritage Area at a disadvantage compared to other protected landscapes in Britain and abroad e.g. in terms of grant opportunities.
- **Undertakings on the New Forest Heritage Area’s planning status made by the previous Government have not been formalised** - the General Permitted Development Order has not been amended to include the New Forest Heritage Area, nor have any other statutory instruments been amended to apply the status.
- **The boundary agreed by the New Forest Committee on 6 February 1996 has not been confirmed by statute or order and is subject to review through the development plan process** - at the present time three parts of the boundary have still not been resolved, which undermines the strength of the New Forest Heritage Area’s planning status, inviting challenge of the boundary in areas experiencing development pressure and difficulties in applying special planning policies.
- **There is inadequate recognition and understanding of the New Forest Heritage Area** - this undermines the development of co-ordinated management opportunities for the whole of the area. More than 50% of the New Forest Heritage Area lies outside the Perambulation boundary and its importance is often overlooked.
- **The New Forest Committee provides the basis of a model for such an organisation, but responsibility for the New Forest Heritage Area currently relies on a discretionary approach which provides for an uncertain future.** The New Forest Committee exists by virtue of a voluntary memorandum of agreement between its member organisations. It suffers from having no long-term security or specially recognised duties.
- **As a result, there is no one organisation who has sole responsibility for the whole of the New Forest Heritage Area landscape** - the New Forest Heritage Area needs a dedicated body to operate across administrative boundaries and to co-ordinate the activities of different statutory bodies who each have discrete responsibilities within the area, or part of it.

## **8.8 Key Points**

- national status of the New Forest landscape remains in doubt;
- unlike national park authorities, the New Forest Committee does not receive any central Government funding;
- no duties on others to follow New Forest Committee guidance;
- the New Forest Committee remains a weak body without executive powers and long term financial security;
- the New Forest has not yet achieved international recognition;

but

- state ownership of much of the most sensitive part of the New Forest distinguishes it from National Parks in England and Wales;
- the direct involvement of key national agencies (English Nature, Countryside Commission, Forestry Commission) in the administration of the New Forest has no parallel in the administration of national parks (with the exception of the Broads Authority);
- New Forest Heritage Area boundary has been drawn widely to include 'core' and 'buffer' areas;
- the New Forest Consultative Panel has proved a useful mechanism for involving the 'wider community' in the planning and management of the area.

## **8.9 Footnote**

In May 1997, the New Forest Committee decided to pursue legislation to designate the Heritage Area and to establish a special authority to co-ordinate management in the New Forest. They consulted the public in winter 1997/98, and are currently understood to be putting their advice before the Secretary of State. The Countryside Commission decided to offer its own advice to the Government to assist it in coming to decisions on the future of the administration of the New Forest.

In April 1998, the Commission announced that it believed that the most appropriate arrangement for the New Forest was the designation of the Heritage Area as equivalent to a National Park and the establishment of a co-ordinating body through special legislation. This authority should have the powers to: prepare a statutory management plan; act as a statutory consultee on planning, development control matters, major forest operations etc.; offer financial assistance to owners of land in pursuit of national park aims; and undertake other tasks (e.g. run a countryside management service) to fulfil its purposes. If the Government was unable to provide the Parliamentary time for such a body to be set up, the Commission indicated its intention to use its powers under the National Parks and Access to the Countryside Act 1949 to designate the area as a National Park.



## CHAPTER 9: NATIONAL PARKS IN AUSTRIA

*According to IUCN (1998), Austria has nearly 700 protected areas covering some 24,512 km<sup>2</sup>, or 29.2% of the country. This network comprises national parks, which are considered in this study, as well as nature reserves, protected landscapes and a few other designations.*

*Austria has five National Parks, the largest being Hohe Tauern (178,773 ha) and the smallest Neusiedler See-Seewinkel (8,000 ha). They are classified by IUCN as either Category II or V.*

### 9.1 Legal and Policy Framework

#### *Constitution and Government*

Austria is a democratic federal republic comprising nine Lander (states). Each Land (state), often referred to as a province, has its own Assembly. Every community has a Council, which elects one its members to be head of the Community (Burgomaster) and a committee for the administration and execution of its resolutions.

#### *Policy and Legislation*

Austria, unlike many other European countries, has no framework law for nature conservation at the federal (Bund) level, nor is there an administrative organisation responsible for nature conservation at this level, although the Ministry for Environment, Youth and Family (Bundesministerium für Umwelt, Jugend und Familie) has an advisory role.

National parks are established under provincial legislation in each of its nine Länder (states). This includes tasks usually under federal responsibility, such as the establishment of legal entities in the National Park in Tyrol, as defined in Article 17 of the federal Constitution (Bundesverfassungsgesetz). Article 15 provides for co-ordination between Bund and Länder in the establishment of National Parks, whereby the federal authority needs to approve the designation or such requirements as additional funding. Six of the nine Länder have enacted legislation for individual National Parks.

Federal legislation provides for a committee (Landesexpertenkonferenz) to co-ordinate national park authorities and ensures a common policy throughout the country. Despite the lack of any legal mandate for the federal government with respect to National Parks, it assumes a certain unwritten responsibility by virtue of their national importance and for this reason the federal government created a Board for National Parks (Nationalparkbeirat) in 1994. This Board formulated a concept paper in 1995, *Nationalpark 2000*, which provides a policy framework for all existing and planned National Parks (Scharinger, 1997).

### 9.2 Purposes

National parks are designed to protect nationally representative types of landscapes and habitats. They aim to protect wilderness and threatened species, while providing for tourism, recreation, environmental education and scientific research. In view of their recreational, educational and scientific values, they are open to the public.

### 9.3 Selection and Establishment

Under the Austrian Constitution nature conservation is the responsibility of the nine Länder, with national parks designated by their respective Länder. According to Article 15a of the Constitution, treaties are signed by the Federal Minister of Environment and the Head of the Länd government. These treaties cover the organisation of the National Park, objectives, responsibilities, finance and co-operation with stakeholders (e.g. local people, landowners, scientists). Since the designation of Hohe Tauern in 1994 and Neusiedler See-Seewinkel in 1993, traditions have changed to provide for greater flexibility whereby more recently designated National Parks (Kalkalpen, Donau-Auen, Thayatal) are established as limited liability companies. The province and federation each share 50% of the costs, and the executive bodies are the General Meeting, the Management Board and the Supervisory Boards (Hasler M.V. *in litt.*, 1998).

The legal provision for notification is that once an area is identified for designation as a National Park, the proposal has to be displayed for public scrutiny. Subsequent modification to a notification is discretionary and subject to an administrative act. Although a National Park is then ultimately under sovereign authority, restrictive regulations and ownership may not necessarily be governmental. The degree of protection, as well as the range of exemptions from protected status, are laid down in a specific ordinance for each protected area. Such an ordinance provides general rules, mainly repeating the regulations covered under the law, as well as more detailed regulations.

Geographic regions and ecosystems often traverse political boundaries, presenting both problems and opportunities to establishment. Hohe Tauern is an excellent example of the challenge to establish a National Park across the political boundaries of three Länder (see case study).

#### **Case Study: Establishment of Hohe Tauern National Park**

Efforts to establish a National Park in the Hohe Tauern mountains began early this century, with several conservation organisations wishing to create 'a conservation park' in the alpine region. Shortly afterwards, the National Park Society (Verein Naturschutzpark) was founded in Stuttgart with the objective of declaring extensive natural landscapes as National Park.

The National Park Society succeeded in purchasing land on the Salzburg side of the Tauern mountains, the Austrian Alpine Club acquired 4,000 ha in the Carinthian Glockner Range in 1918 and 28,000 ha on the Tyrolean side of the Glockner and Venediger ranges about 20 years later. In 1938 a draft for a 'nature reserve Hohe Tauern National park' was launched.

The initiative gradually assumed a broader base, culminating on 21 October 1971 with the signing of an agreement (Heiligenblut Vereinbarung) by the provinces of Carinthia, Salzburg and Tyrol to take common steps towards establishing Hohe Tauern National Park. That year a National Park Commission was established to co-ordinate this initiative. While Carinthia and Salzburg supported the National Park's establishment without reservations, Tyrol's agreement was conditional upon the formulation and implementation of a regional development programme that would include the damming of the Dorfer Valley to generate electricity. Whereas this hydroelectricity project and the development of skiing areas were supported by communities and tourist associations, the idea of a National Park met with great scepticism.



It took a further two decades of political debate and consideration of the wishes of the resident population for the public to become aware of the positive aspects of the proposed National Park. Carinthia and Salzburg declared their sections of Hohe Tauern as a National Park in 1981 and 1984, respectively, but the debate over protecting or damming the Dorfer Valley persisted. A turning point was reached in 1987 when the inhabitants of Kals, the community affected most by the proposed dam, voted against the project. (The women of Kals played a key role in the outcome of the vote.) Finally, on 30 March 1989 the Minister of Economics announced that the Dorfer valley project was no longer a priority, following which the provincial parliament asked the government of Tyrol to formulate appropriate national park legislation. This law received broad political support and came into force on 1 January 1991. A National Park Council (Nationalparkrat), comprising the national park advisors of the Länder and federal Environment Minister, took over from the National Park Commission in 1994.

This experience emphasises the fundamental importance of applying principles of grassroots democracy to the establishment of protected areas to ensure their long-term support. Covering a total area of 1,786 km<sup>2</sup>, Hohe Tauern National Park is the culmination of agreements with over 1,000 landowners.

Source: Anon., not dated; Stadler *et al.*, 1996

#### 9.4 Administrative Arrangements

Provincial nature conservation agencies are responsible for the administration of protected areas, covering planning, designation and management. Conservation is part of the general administration undertaken by the Office of the Provincial Government (Amt der Landesregierung). Day-to-day responsibility is delegated to the relevant departments in the provinces (i.e. Agriculture, Cultural Affairs, Physical Planning and Justice). At provincial level there is also an Honorary Council (Beirat) for Nature Conservation, with an Honorary Adviser (Konsulent) appointed by the provincial government to each district. Members of the Provincial Council are elected from different sectors, such as the Board of Agriculture (Landwirtschaftskammer), Board of Labour (Kammer für Arbeiter und Angestellte), and Boards for the Economy, Natural History, Forestry, Tourism, Hunting and Fisheries. Whereas designation and establishment of a National Park, and all matters concerned with boundaries and zoning, are administered by the provincial government, all other matters (e.g. permits, scientific work, monitoring, environmental education) are administered by the national park authority. Formulation of the management plan, regulation of land use (forestry and agriculture), tourism, habitat and game management is also the responsibility of the national park authority.

Hohe Tauern National Park is organised on both an inter-regional and regional basis. At the inter-regional level, covering the three Länder, there is a National Park Council, National Park Board of Directors and a Scientific Advisory Board. The National Park Council is responsible for the co-ordinated protection and development of Hohe Tauern. It comprises the federal Minister of Environment and members of the Länd governments of Carinthia, Salzburg and Tyrol. The National Park Board of Directors, comprising the heads of the National Park Authorities in the three Länder plus an appointee of the federal Minister of Environment, counsels the National Park Council and co-ordinates regional national park activities (Anon., not dated).

At the regional or Länd level, a National Park Fund provides for the promotion and management of the National Park. In the Tyrolean section of the Hohe Tauern National Park, it comprises the National Park Committee whose composition is:

- 5 owner representatives,



- 4 community representatives,
- 1 Austrian Alpine Club representative,
- 2 employees of the provincial government expert in conservation and environment planning, respectively, and
- 1 member of provincial government responsible for conservation matters.

The National Park Fund is a corporate body under public law, financed by the Länd. There is also an Advisory Board of 26 members, which advises the National Park Fund on certain issues such as subsidy programmes, scientific research, and policies and legislation (Anon., not dated).

Within Hohe Tauern National Park there is an exchange of employees and experts between the various provinces, both at a national and international level. The Salzburg region of the National Park employs three regional personnel, and six persons from the National Park Fund. Kalkalpen National Park (16,509 ha) has 22 members of staff including seven for administration, nine for conservation management, four for interpretation and guidance, and two for technical maintenance.

The Tyrolean portion of Hohe Tauern National Park has introduced a ranger service, with responsibility for national park infrastructure, such as nature trails and information installations. Rangers also support interpretation and guided walks, particularly around the crowded spots, and they regularly hold slideshows in the communities. The National Park has introduced fees on certain walks, so as to limit the number of visitors to those who are genuinely interested. Despite inevitable problems at the beginning, there is now an average of seven participants per walk and 50 visitors per slide show.

## 9.5 Powers and Policies

If land is purchased, either by the conservation administration or by a private conservation organisation, its price is subject to voluntary negotiation. According to some provincial laws, land can be expropriated with compensation in order to establish a protected area, but this has never been practised. Some examples of land ownership patterns are given in the following case study.

### Case Study: Establishment of Hohe Tauern National Park

#### Hohe Tauern National Park

In the Salzburg and Tyrol sections of the Hohe Tauern, approximately 60% and 54% of the land, respectively, is privately or co-operatively owned, about 30% is government-owned and 10% is owned by conservation agencies. Typical on the south side of Hohe Tauern is the fragmentation of farming property, where there are about 600 land owners and 700 leaseholders. Whereas 54% of the Tyrolean part is privately owned, 46% belongs to the Austrian Alpine Club, a club for leisure, sport and recreational activities. In the Carinthian sector the largest single owner is the Austrian Alpine Club with about 13% of the area; only 1.1% is privately owned. Here, farmland is characterised by small properties, with 99% smaller than 5 ha.

Neusiedlersee National Park All 8,000 ha is privately owned.

Österreichische Kalkalpen Of the total area of 16,509 ha, 98% is owned by the state.

Source: Stadler *et al.*, 1996

## 9.6 Funding

In general, about 50% of the recurrent expenses of National Parks is covered by the Ministry of Environment, Youth and Family (totalled about US \$10 million in 1997), the rest is covered by the Länder. Income for Hohe Tauern National Park is derived from allocation of public funds, local governments, landowners and cultural associations, a share of the entrance fees and tolls, sponsorship by the Friends of the Hohe Tauern National Park Society, private enterprise (if a firm's philosophy corresponds with that of the National Park), advertising and sales of National Park's goods (CNPPA, 1995).

## 9.7 Guiding Principles of Management

A National Park must be protected through legal measures and must be divided into a core zone of the rank of a *nature reserve* and a peripheral zone of the rank of a *protected landscape* (see case study). It must have a single administration and be under scientific management.

### Case Study: Other Designations Relevant to National Parks

#### Nature reserve

A nature reserve, as provided under all provincial laws, is an area distinguished by its highly natural character and diversity of fauna or flora, and established to protect rare or endangered animals, plants or habitats. The general criteria for selecting nature reserves are laid down in the relevant provincial conservation laws.

In general, all activities which conflict with the specific conservation objectives of a nature reserve are forbidden. However, exemptions can be granted when public economic interests override those of nature conservation. In nearly all privately-owned nature reserves, it is usual to maintain the status quo (i.e. economic activities ongoing prior to their establishment, such as forestry, hunting and fishing, are not or only partially controlled). In all nature reserves on public land, forestry, hunting and fishing are normally allowed, as well as the collection of mushrooms and wild berries. However, it is generally forbidden to remove any other plants from a nature reserve. Special regulations dealing with mushroom-gathering are often provided in nature reserves for plants.

#### Protected Landscape

A protected landscape, as provided under all provincial laws, is an area of special beauty or importance for public recreation. Operations which would change the appearance of a landscape are forbidden, although changes in land use are generally permitted. There is no general prohibition of human activities. However, some activities such as construction of buildings and other activities with major impacts on ecosystems, require approval from the administrative agency.

The consultation of interest groups and the participation of local people in the preparation of the management plan are important and relevant to most parks. Management plans include an inventory of natural features and in some cases (e.g. Kalkalpen) an assessment of human impacts. It also includes land use planning, zoning and visitor planning, and a system for monitoring the achievement of objectives (see case study on zoning). Some management plans (e.g. Kalkalpen) have a time schedule for their implementation.

## 9.8 Wider Context

A National Park Concept, *Nationalpark 2000*, has been formulated but it awaits approval prior to publication. Discussions are currently ongoing with Hohe Tauern National Park. (Hasler M.V. *in litt.*, 1998). The concept provides general guidelines in relation to the



application of the IUCN protected area management categories, the representation of Austrian natural heritage within protected areas, and their size and the involvement of the local people. It also sets priorities for the purchase of land for future national parks, regulates compensation for land owners, defines the budget, identifies responsibilities, and outlines procedures for the establishment and management, which include zoning, protection by land purchase and land use. Finally, it outlines rights of public access and the infrastructure for recreation in accordance with conservation aims, as well as research and education.

There are further plans to extend the present network of national parks by some 16,500 ha. For all existing and proposed national parks, an overall objective is for them to be managed in accordance with the criteria for IUCN Category II.

Austria participates in all three global conventions and programmes concerned with protected areas (i.e. Ramsar, UNESCO Man and the Biosphere Programme and World Heritage Convention). No sites have yet been inscribed in the World Heritage List, but a number of National Parks have been designated as Ramsar sites (Donau-Auen and Neusiedler See-Seewinkel) and Neusiedler See is also a biosphere reserve.

### **Case Study: Zonation as a Means of Minimising Conflict in Hohe Tauern National Park**

#### *Zonation*

In Hohe Tauern National Park, the main aim is to preserve the cultural landscape rather than natural areas, due to the lack of pristine areas except in the high alpine zones. To minimise conflict with the various demands of local communities for economic growth, and to accommodate the diverse objectives and interests groups, the National Park has been subdivided into different zones, according to the value of the natural environment, the importance of cultural landscapes for species and as viable living space. In addition, buffer zones between core areas and peripheral intensively-used areas have been set up in alpine farmed landscapes. For each zone, the principal objectives and a catalogue of prohibited uses and activities have been identified. More than 60% (114,600 ha) of Hohe Tauern National Park is designated as core zone, with rather rigid restrictions. The core zone comprises areas with a high proportion of natural landscape (i.e. alpine meadows, non-used forests, abandoned pastures). The second, outer zone, comprising almost 30% (58,000 ha), has been reserved as a traditional living space and cultural landscape with a set of prescribed uses and activities. The third zone, comprising less than 4% (4,200 ha), contains areas protected for their special ecological importance (Sonderschutzgebiete). In addition, a number of communities adjacent and functionally linked to the National Park are designated as being within a so-called adjacent zone (Vorfeldregion).

#### *Tourism and Recreation*

Communities within Hohe Tauern range between villages within traditional agricultural activities to well known spas and resorts. Generally speaking, the importance of agriculture is tending to decline and most communities increasingly rely on summer and winter tourism. During the 20<sup>th</sup> century, the growth of mass tourism and its ubiquitous penetration into virtually every community and mountain valley, even to glaciers and summits, is threatening the ecological stability of the alpine environment, as well as the natural heritage and culture of the region. Within the permanently settled areas of the major valleys, population densities exceed 200 km<sup>2</sup> in many parts. If the seasonal influx of tourists is included, densities may reach 1,500 km<sup>2</sup>. The Salzburg Vorfeldregion region has experienced 12% increase in visitors between 1971 and 1991, with all the related problems for the National Park. In addition to traditional hiking and skiing, new forms of recreation have been developed. Glacier skiing has become increasingly popular due to the availability of cable cars and lifts. In summer, masses of visitors converge on spectacular waterfalls and on Grossglockner Glacier, accessible via a high alpine road which is excluded from the park. This attracted 1.2 million visitors in 1991. Other tourist spots attract up to 400,000 people a year. These peak flows of tourists result in heavy traffic and adversely affect the environment from air pollution and litter disposal.



Flights are now restricted over the region: any motorised flights below an altitude of 5,000 m are allowed only by special permit and restricted to transport to alpine huts, emergencies and scientific purposes. Another potential for conflict is created by newly introduced sports, some of which are not mentioned in the National Park legislation. These include mountain biking, rafting, hang-gliding, and paragliding. One way to resolve such conflicts is to restrict visitor activities through zonation.

Source: Stadler *et al.* 1996

## 9.9 Key Points

- At the federal level, there is legal provision for co-ordination of national park policies and National Park authorities;
- National parks are established under provincial (Länd) legislation;
- National parks are designed to conserve representative types of landscape and habitat, while providing for tourism, recreation, education and research;
- There is an extensive consultation with local landowners and other interest groups during the establishment process;
- A National Park Authority is responsible for the management of a National Park. There is also a National Park Committee and an Advisory Board, comprising many local representatives;
- The pattern of land ownership varies considerably from almost total state to total private ownership. Land may be expropriated in some Länder, but this has never been practised;
- Around 50% of recurrent expenditure of National Parks is covered by the federal Ministry of Environment, Youth and Family and the rest by the Länder;
- National parks are zoned into at least core and peripheral areas.



## CHAPTER 10: NATIONAL PARKS IN CANADA

*According to IUCN (1998), Canada has over 2,300 protected areas covering 953,103 km<sup>2</sup>, or 9.6% of the country. This network includes National Parks, considered in this study, nature parks, ecological reserves, provincial parks, wilderness areas and a variety of other designations. In addition are the vast tracts of land under private protection. Less than half of this network is strictly protected from activities such as logging, hunting and mining.*

*There are over 30 National Parks in Canada, represented in each of the provinces and established under their respective legislation. The largest is Wood Buffalo (4,480,200 ha) in Alberta and the smallest St Lawrence Islands (870 ha) in Ontario. All National Parks are classified by IUCN as Category II.*

### 10.1 Legal and Policy Framework

#### *Constitution and Government*

Under the Canadian Constitution is a charter of Rights and Freedoms which affirms the existing rights of native people, confirms the equalization of benefits among the provinces and strengthens provincial ownership of natural resources. Each of the ten provinces has its own separate parliament and administration, with full powers to regulate its own local affairs and dispose of reserves, provided only that this does not interfere with actions and policies of the central administration.

The provinces have full powers over local government, as provided under provincial legislation. Local government units vary from province to province but very often include villages, towns, cities and districts, as well as other units.

The Northwest Territories and Yukon Territory are governed by their own cabinets appointed by their respective legislative assemblies. In common with the provinces, they are responsible for most of their own affairs. However, the administration of some programmes remains under federal control, as in the case of natural resources in Yukon.

#### *Policy and Legislation: Federal*

Canada has a Federal Policy on Land Use, 1980 which guides the management of federal lands. Statements within the Policy support the designation of protected areas and protection of significant lands, including fragile and critical habitats and natural heritage. Canada's Federal Policy on Wetland Conservation, 1991 promotes wetland conservation on government lands using a number of strategies, including the development of a system of protected wetlands of national significance (Government of Canada, 1991). In 1986, the Minister of Environment approved Canada's first National Marine Parks Policy. The main goal of this policy is to protect and conserve representative examples of marine environments for the benefit, education and enjoyment of present and future generations.

The National Parks Act was passed in 1930 and subsequently amended in 1974 and 1988. The Act provides for the establishment of National Parks and national historic parks throughout Canada on Crown land. The amendments have generally strengthened the conservation mandate of Canada's parks. For example, management plans are now



mandatory; a state-of-the-parks report must be tabled by the federal minister every two years; public participation is now required; poaching fines have been increased substantially; and wilderness zones within parks are to have legislated boundaries (Dearden and Rollins, 1993). Marine protected areas may be established under the National Parks Act, and under some provincial ecological reserve or park acts. For example, marine provincial parks may be created under the Parks Act of British Columbia.

Canada's National Park Policy provides guidelines on the philosophy, objectives and management of National Parks within larger ecosystem contexts. This document is available on the World Wide Web at [http://parkscanada.pch.gc.ca/library/PC\\_Guiding\\_Principles](http://parkscanada.pch.gc.ca/library/PC_Guiding_Principles), and updates the 1979 version.

### *Policy and Legislation: Provincial*

Under provincial legislation, there are some 75 legal designations for protected area, their titles and management varying from one province to the other, each with assorted meanings in terms of legal securement, function and management objectives (Turner, *et al.*, 1991). Some legally gazetted titles include provincial park, wilderness area, provincial nature reserve, game bird sanctuary, and ecological reserve. In addition, every province and territory in Canada has historic or heritage sites, which serve to protect not only cultural but also significant expanses of natural heritage. Each piece of legislation defines activities permitted in each designation, identifies the responsible managing authority, and sets out penalties for offences.

Apart from the establishment of designations such as provincial park and ecological reserve, a number of provinces have passed specific wilderness legislation. This is supported in Ontario by a wilderness park policy which calls for substantial areas where the *"forces of nature are permitted to function freely and where visitors travel by non-mechanical means and experience expansive solitude, challenge and personal integration with nature."*

## **10.2 Purposes**

National parks have been established with the following objectives in mind:

- to preserve for all times, areas which contain significant geographical, geological, biological, historic, or scenic features as a national heritage; and
- to encourage public understanding, appreciation and enjoyment of this natural heritage so as to leave it unimpaired for future generations.

Further, National Parks are established for: health through outdoor recreation and relaxation; heritage preservation through conservation of exceptional natural landscapes and their wildlife; and economic opportunity, through tourism, generating business enterprises in travel and other visitor services, as well as local employment in park management, amongst others. Motorised navigation and commercial fishing are permitted in marine National Parks, while industrial activities are prohibited in National Parks (Kun, 1981; Waugh and Perez Gil, 1992).

National parks protect environments representative of Canada's natural heritage for the benefit of present and future generations. The challenge for Parks Canada is to maintain the ecological integrity of the parks, while providing opportunities for public enjoyment and education. This requires the careful protection of the natural features and processes for which

each park is established, a key component of which is to foster public awareness of the value of safeguarding representative natural landscapes in the national parks system.

National parks in Canada have witnessed an evolution of purpose since their inception, from a preservation ethic which was the premise for the establishment of the first National Parks in the late 1800s, through a protection philosophy from the early to mid-1900s and focus on management within park boundaries, to the current model of integrated management, viewing the park within wider ecosystem frameworks (Dearden and Rollins, 1993).

### **10.3 Selection and Establishment**

A political and public commitment has been made to completing Canada's National Park system by the year 2000. This is reflected in a timetable which called for the establishment of at least five new National Parks by 1996 and another 13 by the end of the decade. This will result in 3% of Canada's land area being protected under the national park system. More significantly, there is a stated goal to allocate 12% of the country as protected space. This will require the establishment of between 150-200 parks to fulfil this commitment, coupled with enthusiastic co-operation from provincial jurisdictions. Establishment of this network is based largely on ecosystem considerations.

There is no rigid process for establishing new National Parks. Each situation is unique and the steps leading up to the creation of a new National Park reflect individual circumstances. According to Canadian National Parks Policy, the normal sequence is characterised by five steps:

- identifying representative natural areas;
- selecting a potential National Park;
- assessing National Park feasibility;
- negotiating a National Park agreement and obtaining clear title;
- establishing a new National Park in legislation

Clearly, the current priority for Parks Canada is to establish National Parks in terrestrial and marine natural areas which are currently not represented in the national park system.

Once a potential National Park has been identified, Parks Canada, in co-operation with provincial or territorial governments, undertakes an assessment of the feasibility of a new proposal. Where opportunities exist, this is undertaken as part of other processes such as regional land use planning, provincial protected area strategies or Aboriginal comprehensive land claim negotiations. As part of the feasibility assessment, consultations are carried out to seek the views of local communities, Aboriginal peoples, non-government organisations, relevant industries, other government departments and the interested public. Parks Canada also provides information regarding the purpose and the environmental, social and economic implications of the national park proposal. Following completion of a feasibility assessment, governments then decide whether to proceed to negotiate a National Park agreement. Boundary adjustments intended to improve the representation of the natural themes or the ecological integrity of an existing National Park are also assessed.

New National Park agreements are negotiated between the Government of Canada and the government and/or Aboriginal peoples having constitutional authority over the lands. The



agreement commits parties to establishing a National Park under the National Parks Act and sets out the terms and conditions under which this will take place. Areas which include Provincial Crown Lands are established as National Parks according to an agreement between the Government of Canada and the provincial government, setting out terms and conditions for the acquisition of all third party interests and the transfer of administration and control of Provincial Crown Lands to the Crown in Right of Canada. National parks in the territories are established pursuant to agreements with the territorial government and with relevant Aboriginal organisations.

In any such agreements, existing Aboriginal and treaty rights of the Aboriginal peoples of Canada will be honoured. These may be defined in treaties and comprehensive claim agreements. In areas subject to existing Aboriginal or treaty rights or to comprehensive land claims by Aboriginal peoples, the terms and conditions of national park establishment will include provision for continuation of renewable resource harvesting activities, and for the involvement of Aboriginal peoples in national park planning and management.

National parks are formally established through amendment to the National Parks Act. The proposed legislation gives effect to the terms of a new National Park agreement.

Where new National Parks are established in conjunction with the settlement of land claims of Aboriginal peoples, final boundaries of the National Park as well as harvesting rights and involvement of Aboriginal peoples in planning and management are proposed in legislation according to the terms of the land claim agreement. In the interim, the area may be set aside as a *National Park reserve* under the Act and traditional hunting, fishing and trapping activities by Aboriginal peoples allowed to continue. Other interim measures may also include involvement in National Park reserve management by local Aboriginal peoples.

#### **10.4 Administrative Arrangements**

A central administration for National Parks was created in 1911, thereby representing the world's first National Parks service (Hummel, 1989). Parks Canada, through consultation with federal, provincial and territorial authorities, special interest groups, indigenous peoples and the general public at large, is the agency responsible for implementing provisions of the National Parks Act. The Park's Head Office is responsible for policy direction and new park establishment, while regional offices direct the planning and operations across the country. Parks Canada is responsible for both the cultural and the natural heritage of the nation at federal level. In 1992, Parks Canada employed around 3,500 staff.

Administration and management of areas designated under provincial legislation comes under the jurisdiction of the provincial governments themselves. Non-government involvement in protected areas is also of great significance. There are more than 200 conservation groups, many of which are significant protected area landowners (Finkelstein, 1992). In the early 1990s, for example, Ducks Unlimited was responsible for 3.9% of the total protected area coverage in Canada, with an estimated 2.9 million hectares. Data have been compiled for over 40 non-governmental organisations responsible for some 10,000 sites across the country.

Joint arrangements to the establishment and management of protected areas are becoming increasingly common in both northern and southern Canada. In 1992, the British Columbia



government announced the first joint Aboriginal/provincial park in the Nass River valley in northern British Columbia.

In Northern Canada (north of latitude 60 degrees), land claim settlements between the federal government and Aboriginal peoples are at various stages of completion. The 1984 Inuvialuit Final Agreement covering the western Arctic, the 1991 Agreement-in-Principal to establish Nunavut (an Inuit-governed region for the whole of the Eastern Arctic) and a 1990 agreement with the Council of Yukon Indians (and subsequently ratified by the various groups in 1991) are major developments in the governance of the Territories, traditionally administered by the federal authority. These agreements are prerequisites to the mutual recognition and management of protected areas in these Territories.

## 10.5 Powers and Policies

### Case Study: Communities within Banff National Park

Because of their size, permanent population, year-round services and extensive municipal infrastructure, the communities of Banff and Jasper are classified as towns. They are communities considered to have tax bases adequate to support a form of local self-government. Accordingly, by agreement with the residents and under the enabling provisions of the National Parks Act amendments, Parks Canada began negotiating the transfer of municipal taxing, utility and planning authorities to the Town of Banff in 1988. On 1 January 1990, the Town became an officially incorporated Alberta municipality under conditions set by a federal provincial agreement. Official designation as Visitor Centres is given to communities that provide a focus for and concentration of visitor services and facilities. Waterton, Wasagaming and Waskesiu are classified as Visitor Centres, in addition to being the administrative headquarters of Waterton Lakes, Riding Mountain and Prince Albert National Parks, respectively. Visitor use of these centres is primarily seasonal and they offer a limited range of facilities. Land was provided for seasonal cottage residence in each of these communities in past years when such use was considered appropriate.

- Based on the experience of Banff, the following have been stipulated in connection with town development in the National Parks Policy;
- The boundary of the Town of Banff has been established by a Town Plan prepared in conjunction with the national park management plan and set out in the National Parks Act. The same provision will apply to the Town of Jasper if the residents opt for self-government measures in the future;
- No new communities will be developed within National Parks;
- Statements of principles governing the management of park communities may be developed, and then be approved by the Minister;
- No additional lands will be made available for private cottages and camps or for seasonal camping areas;
- Where there is a community in a National Park, a community plan will be prepared in accordance with policies contained in the national park management plan. Community plans will be approved by the Minister;
- Parks Canada will encourage the establishment of community groups to advise park superintendents on matters affecting local interests;
- The Crown in Right of Canada will continue to own the land in all National Park communities. The Minister will give final approval to community plans and land use regulations or by-laws based upon community plans, and will be the final authority on planning matters;
- Where Parks Canada retains exclusive community government authorities, charges and taxes to be levied for municipal and health services will be based on cost accounting data and the municipal taxing practices of the province in which a park is located.

Parks Canada has statutory authority for the planning and management of National Parks throughout the country. Previous sections provide an indication of those responsibilities, administered through consultation and involvement of affected organisations and groups. Under the National Parks Act, Parks Canada is able to transfer certain responsibilities to communities within National Parks, as in the case of Banff National Park (see case study).

Special interest groups (reflecting public opinion), entrepreneurs and indigenous peoples are having a profound impact on the development and management of National Parks and other protected areas in Canada. For example, a law suit initiated by the Canadian Parks and Wilderness Society resulted in the elimination of logging from the entire national park system; the *Endangered Spaces Campaign* of the World Wildlife Fund, Canada has helped to promote protection of 12% of the country's land area by the year 2000; and indigenous peoples are exerting their influence on the management of protected areas in both the north and south of the country. This reflects a general trend from an historically closed administrative system to one which is much more easily penetrated by outside influences.

## 10.6 Funding

A breakdown of annual park budgets for the 13 jurisdictions in 1992 is given in Fig. 10.6.

**Figure 10.6. National Park Budget at Federal and Provincial Levels**

	<b>Annual Budget (1992) (Canadian Dollars)</b>
Federal	413,586
Northwest Territories	2,749
Yukon	2,824
British Columbia	35,456
Alberta	30,185
Saskatchewan	12,149
Manitoba	13,501
Ontario	55,989
Quebec	16,500
Nova Scotia	5,138
New Brunswick	7,232
Prince Edward Island	3,573
Newfoundland	4,798
<b>Total</b>	<b>603,950</b>

Source: WWF, 1992

Tourism in National Parks is monitored within reporting units. In June 1992, National Parks recorded 3.96 million person-entries, national historic sites 1.30 million person-entries, and historic canals 0.05 million (Environment Canada, 1992). Income received in 1984/85 included an estimated Canadian \$308 million from visitor expenditures. A realistic figure for 1990 is about Canadian \$600 million (Mosquin BioInformation *et al.*, 1992).



## 10.7 Guiding Principles of Management

The natural regions concept was first adopted in 1971 as a basis for the systematic planning of National Parks, and is known as the National Parks System Plan. The principle of this plan is to protect outstanding representative samples of each of Canada's natural landscapes (Finkelstein, 1992). Of 48 *natural regions*, the Canadian Parks Service defined 39 terrestrial and 29 marine regions. Following the *Endangered Spaces* campaign of 1989, the goal is to represent at least one National Park in each region by the year 2000 (Government of Canada, 1991; Kun, 1981). When completed, the National Park system will cover about 3% of the country's area. The natural regions concept is embodied in the Green Plan of 1990 (see case study).

### Case Study: Canada's Green Plan

The Green Plan calls for the government to:

- allocate 12% of the country to protected areas;
- establish at least five new National Parks by 1996;
- negotiate agreements for the remaining 13 National Parks required to complete the terrestrial park system by 2000;
- establish three new marine National Parks by 1996 and an additional three by 2000 ;
- officially designate 18 rivers or sections of rivers to the Canadian Heritage Rivers System;
- develop an enhanced resource management programme for National Parks, involving applied studies for ecological integrity and regional integration;
- work with the provincial governments to establish a network of forest ecological reserves to preserve in their natural state the genetic stock of forest ecosystems ;
- establish a national wildlife habitat network, and act to protect and conserve additional lands that are of prime importance to the goal of preserving valuable wildlife habitat;
- release in 1991 a discussion paper on a Canadian Oceans Act, which will provide a legal basis for the designation of marine protected areas; and
- work with the provinces to develop a programme to transfer to farmers those agricultural practices compatible with wildlife habitat needs.

Source: Environment Canada, 1991

The most recent ecological classification, the Ecological Land Classification System, is based on ecoregions, defined as areas of the earth's surface characterised by distinctive ecological responses to climate, physiography and hydrology as expressed by the development of vegetation, soils and fauna. Nationally, about 177 ecoregions have been identified, grouped into 15 ecozones and 45 ecoprovinces and divided into 5,400 ecodistricts (Rubec *et al.*, 1992; Wiken, 1986). Of the 177 ecoregions, more than 40 currently have more than 12% of their total area represented within protected areas.

In the establishment and management of National Parks, Parks Canada will strive to maintain ecological integrity. Achievement of this goal will require co-operation with individuals and other government agencies in ecosystem management beyond park boundaries, recognising that there are legitimate but often different objectives for surrounding regions. Consequently, maintaining ecological integrity will be a major consideration in proposing National Park boundaries, in determining how National Park resources will be protected and interpreted, and in seeking effective regional integration through co-operative efforts with governments and



landowners in the surrounding area. In addition to their natural features, many National Parks contain areas which have cultural and historic significance. These will be managed according to the Cultural Resource Management Policy.

### *Management planning*

Parks Canada is responsible for preparing management plans for the Minister's approval and tabling in Parliament:

- within five years after the proclamation of a National Park under any Act of Parliament; or
- within five years of the transfer of administration and control to Parks Canada of lands proposed for establishment as National Parks.

Management plans are reviewed every five years for re-tabling with any amendments. Each management plan contains a statement of purpose and objectives that reflect the role of the National Park in the national system, and in the natural region in which it is located. Parks Canada informs and involves a broad spectrum of the Canadian public in the preparation, review and amendment of national park management plans.

In the preparation of a management plan, the maintenance of ecological integrity through the protection of natural resources and processes is a first priority when considering zoning and visitor use. The protection of cultural resources receives a high level of consideration subject to this legislated requirement.

Management plans provide essential direction to park managers, as well as representing commitments to the public by the Minister responsible for Parks Canada regarding the use and protection of National Parks. Management objectives are stated in sufficient detail to indicate how a park will protect and represent the natural and cultural aspects of its region. In keeping with these objectives, plans specify the type and degree of resource protection and management needed to assure the ecological integrity of the National Park and the management of its cultural resources; define the type, character and locale of visitor facilities, activities and services; and identify target groups. Appropriate public participation at national, regional and local levels is an essential part of the formulation of management plans.

### *Zoning*

National parks are zoned according to an integrated system by which land and water areas are classified according to ecosystem and cultural resource protection requirements, and their capability and suitability for providing opportunities for visitor experiences. Any change to a National Park's zonation constitutes a major amendment to the management plan. It may only be made following an environmental assessment, public notice and public participation in the decision. Further details of the zoning system are given in Box 4. Implementation of park zoning depends upon the detailed guidance found in the directive on the National Parks Management Planning Process.

## **Case Study: National Park Zoning System**

### **Zone I - Special preservation**

Specific areas or features which deserve special preservation because they contain or support unique, threatened or endangered natural or cultural features, or are among the best examples of the features that represent a natural region. Preservation is the key consideration. Motorised access is not permitted. In cases where the fragility of the area precludes any public access, every effort is made to provide visitors with appropriate off-site programs and exhibits interpreting the special characteristics of the zone.

### **Zone II - Wilderness**

Extensive areas which are good representations of a natural region and which will be conserved in a wilderness state. The perpetuation of ecosystems with minimal human interference is the key consideration. Zones I and II together constitute the majority of the area of all but the smallest National Parks, and contribute most towards the conservation of ecosystem integrity.

Wilderness zones offer opportunities for visitors to experience, first hand, a National Park's natural and cultural heritage values through outdoor recreational activities which are dependent upon and within the capacity of the park's ecosystems, and which require few, if any, rudimentary services and facilities. Where the area is large enough, visitors also have the opportunity to experience remoteness and solitude. Opportunities for outdoor recreation are encouraged only when they do not conflict with maintaining the wilderness itself. For this reason, motorised access is not permitted, with the possible exception of strictly controlled air access in remote northern National Parks.

### **Zone III - Natural Environment**

Areas which are managed as natural environments and which provide opportunities for visitors to experience a National Park's natural and cultural heritage values, through outdoor recreational activities requiring minimal services and facilities of a rustic nature. While motorised access may be allowed, it is controlled. Public transit that facilitates heritage appreciation is preferred. Management plans may define provisions for terminating or limiting private motorised access.

### **Zone IV - Outdoor Recreation**

Limited areas which are capable of accommodating a broad range of opportunities for understanding, appreciating and enjoying a National Park's heritage values and related essential services and facilities, in ways that impact the ecological integrity of the National Park to the smallest extent possible, and whose defining feature is direct access by motorised vehicles. Management plans may define provisions for limiting private motorised access.

### **Zone V - Park Services**

Communities in existing National Parks which contain a concentration of visitor services and support facilities. Specific activities, services and facilities in this zone are defined and directed by the community planning process. Major park operation and administrative functions may also be accommodated in this zone. Wherever possible, Parks Canada will locate these functions to maintain regional ecological integrity.

## ***Ecosystem-based management***

In keeping with national park management plans, Parks Canada is establishing measurable goals and management strategies to ensure the protection of ecosystems in and around National Parks. Decision-making associated with the protection of National Park ecosystems is to be scientifically based on internationally accepted principles and concepts of conservation biology.

Management plans provide the framework for decision-making within each National Park. The National Parks Act requires public consultations during the preparation of such management plans and stipulates that the maintenance of ecological integrity through the



protection of natural resources will be the first priority when considering zoning and visitor use.

In a biophysical sense, park agencies can no longer ignore what is happening beyond their boundaries; they must be aware of external influences (e.g. atmospheric changes, hydrospheric changes that affect incoming water quality) and plan accordingly. Increasingly, management needs to extend beyond National Park administrative boundaries in order to maintain the ecological integrity of resources under protection. In recognising the challenge, Parks Canada has produced a *Strategic Framework to Sustain the Integrity of Ecosystems*..

In order to fulfill the obligations of the National Parks Act and serve the people of Canada, a comprehensive Visitor Activity Management Process has been developed and will be used to match visitor interests with the specific educational and outdoor recreation opportunities, by incorporation in the management plan process.

## 10.8 Wider Context

### *National*

The establishment of a representative system of National Parks is complemented by system plans being adopted by provincial jurisdictions. For example, the British Columbia Government, as outlined in the protected areas strategy of 1992, is committed to doubling protected parks and wilderness by the year 2000, bringing the province to its target of protecting 12% of its land area. The Greater Fundy Ecosystem Research Project in New Brunswick provides an interesting model of combined planning at the system and site level (see case study).

#### **Case Study: Greater Fundy Ecosystem Research Project**

The Greater Fundy Ecosystem and Fundy Model Forest in New Brunswick contain a range of protected areas, including National Park (207 km<sup>2</sup>) and various other conservation areas (1,259 ha). Although 5.2% of the Fundy Model Forest Area is protected, a number of habitats and special features are not represented. Moreover, the level of protection is inadequate to maintain viable populations of most visible wildlife species.

Two approaches are currently being adopted to identify potential protected areas: one province-wide project focuses on maintaining large-scale processes and representative landscape features; the second concentrates on identifying features of ecological significance within the Fundy Model Forest.

The provincial initiative (Representative Areas Exercise) has involved a pilot project to assess the contribution of parks and ecological reserves toward representation of the natural regions of New Brunswick. This initiative is intended to provide an ecological foundation (for example, based on ecoregions, ecodistricts, ecosections) for the establishment of a viable network of protected areas. This ecological classification system has been used to stratify the landscape into hierarchical units based on climate, geomorphology, soils and vegetation, from which representative areas for conservation may be defined. Further, ecological integrity criteria are being used to delimit core areas and refine protected area boundaries on the basis of natural disturbances, home-range requirements of area-sensitive species and secondary considerations related to critical habitats, biological hotspots and special features of cultural or scientific value. Collectively, this network will conserve natural heritage and create development opportunities for environmental education, eco-tourism, outdoor recreation, and integrated landscape management. These conservation areas will also provide the basis for long-term monitoring and lay the foundation for future land-use planning. Within the Fundy Model Forest, three areas have been identified for protection, based on ecoregion-level representation and ecological integrity considerations.



Within the Fundy Model Forest, a gap analysis has been conducted to identify elements of ecological variability through classification and delineation of biophysical units. The criteria used for identifying ecologically significant areas include:

- presence of uncommon or rare species,
- presence of 'rare-spatially restricted' assemblage of species,
- little-disturbed remnants on once-more-common community types, and
- representative examples of community or ecological assemblages.

A systematic, habitat-based assessment of fine-scale ecological variation in the Fundy Model Forest was also used to identify additional potential sites for target species. Through this process, 7,661 ha have been identified as ecologically significant sites and areas, comprising six Crown Land and five privately-owned habitat types. Although complete protection of these sites is recommended, the following activities may be allowed:

- recreational hunting and fishing in areas where they are currently being practised.
- limited extraction in some forested sites as long as it excludes the harvest of hemlock; reflects existing natural disturbance regimes (e.g. selective harvesting in tolerant hardwood stands); maintains late seral forest in areas where it presently exists; respects stream buffer zones; and avoids areas containing rare or uncommon species.

Forest management within the Fundy Model Forest is being approached using a combined coarse-filter and fine-filter approach. The coarse filtered approach advocates managing the forests as either gap or stand-replacing disturbance regimes, duplicating the historical disturbance pattern for community types. A network of forest connections is also recommended across the Model Forest landscape, and the Watercourse Buffer Zone Guidelines for Crown Land are supported. Under the coarse-filtered approach, a representative network of protected areas, reflecting ecologically significant areas is advocated. The fine-filtered approach provides operational-level guidelines to the management of the forest estate, and deals with such issues as woody debris, the planning and implementation of road networks, and the management of plantations. Finally, under the auspices of the Greater Fundy Ecosystem Research Project, a set of Forest Management Guidelines to Protect Native Biodiversity in the Fundy Model Forest are being developed.

## *International*

Canada participates in all three global conventions and programmes concerned with protected areas (i.e. Ramsar, UNESCO Man and the Biosphere Programme and World Heritage Convention). Several of its National Parks are World Heritage sites and, for example, Waterton Lakes is both a World Heritage site and biosphere reserve.

### **10.9 Key Points**

- National parks protect environments representative of Canada's natural heritage in perpetuity. They are also intended to promote public understanding and enjoyment of this natural heritage, as well as to provide economic opportunities.
- The National Parks system is designed on the basis of ecological representation. The goal is for each of Canada's 48 natural regions to be represented within this system.
- National parks are established by negotiating an agreement and obtaining clear title, but existing rights of the Aboriginal peoples are honoured. *National park reserves* may be established as interim measure, pending settlement of Aboriginal claims.
- Parks Canada is responsible for the planning and management of National Parks throughout the country. Management plans are mandatory and involve public consultation.
- Wilderness zones within National Parks must have legislated boundaries.
- Every two years the federal minister tables a report on the status of the National Parks.

- Increasingly attention is being given to maintaining ecological integrity beyond National Park boundaries.

## CHAPTER 11: NATIONAL PARKS AND REGIONAL NATURE PARKS IN FRANCE

*According to IUCN (1998), France has over 430 protected areas covering some 55,723 km<sup>2</sup>, or 10.2% of the country. This network comprises National Parks and regional nature parks, both of which are considered in this study, as well as nature reserves and a few other designations.*

*There are a total of six National Parks in Metropolitan France (Cévennes, Ecrins, Mercantour, Port-Cros, Pyrénées occidentales, Vanoise) the largest being Ecrins (91,800 ha) and the smallest Port-Cros (2,475 ha), which is predominantly marine. All are classified by IUCN as Category II except the Cévennes, which is Category V. There is also a National Park in the Overseas Department of Guadeloupe, Lesser Antilles.*

*There are 35 regional nature parks (parc naturel régional), the first established being Saint-Amand-Raimes in 1968. Beginning with Nord-Pas-de-Calais Park in 1978, a new generation of regional nature parks were established. Sometimes referred to as regional natural areas (espaces naturels régionaux), these are essentially the same as the original regional nature parks but comprise many isolated fragments. All are classified by IUCN as Category V.*

### 11.1 Legal and Policy Framework

#### *Constitution and Government*

France is a republic, indivisible, secular, democratic and social. In the eyes of the law, all citizens are equal. National sovereignty resides with the people who exercise it through their representatives and by referendums.

France is divided into 22 regions for national development, planning and budgetary policy. Many of these regions are broadly comparable with the provinces of pre-Revolutionary France, giving a measure of recognition to the distinctive personalities of peripheral areas such as Alsace and Brittany. Executive powers lie with the Presidents of the Regional Councils, which are directly elected.

There are 96 departments within the 22 regions, each governed by a directly elected General Council. The unit of local government is the 'commune', the size and population of which varies greatly. The local affairs of the commune are under a Municipal Council of 9–36 members, headed by a Mayor who is both the representative and the agent of central government.

#### *Policy and Legislation*

France has a long history of habitat protection for forestry and hunting purposes, in some areas going back to the Middle Ages. The advent of contemporary protected areas is marked by the Law of 2 May 1930 concerning the *Protection of Natural Monuments and Sites of Artistic, Historical, Scientific, Romantic or Scenic Interest*.



A national plan for the environment was launched by the government in 1990, its overall aim being the long-term social viability of the country. The overall policy on landscape management and nature protection is among the most comprehensive in the plan, with emphasis on reforming the whole approach from a position of defensive protection to one of pro-active maintenance and re-establishment of biodiversity. Specific objectives include landscape conservation, by increasing the area designated for special protection under the European Commission Birds and Habitats Directives, and by entering into management agreements with farmers under the provisions of Article 19 of EC Regulation No. 1760/87. Particular actions include forest protection and the creation of a professional network for managers of national and regional nature parks, as well as national nature reserves and biosphere reserves. General measures for implementing the national plan include changes in the taxation system to encourage ecologically sensitive land management practices, changes in planning guidelines and increases in staff in the Ministry of Environment.

The latest legal and policy framework regarding National Parks and regional nature parks is provided by Law No 93-24 of 8 January 1993 on the *Protection and Management of Landscapes* and its enforcement Decree No 94-765 of 1 September 1994.

### *National Parks*

The general framework for establishing National Parks is provided by *Law No. 60.708 Relating to the Creation of National Parks* of 22 July 1960 and its enforcement Order No. 61.1195 of 31 October 1961. It provides for flexibility in the application of protection measures and regulations which, together with the level of development and management, are stipulated by individual decrees for National Parks. Decree No. 77-1299 simplifies the procedure applicable to breaches of regulations in National Parks.

According to Article 1 of the 1960 legislation, National Parks may extend into the maritime public domain. The legislation also provides for the establishment of a peripheral or buffer zone (otherwise known as a *pré-parc*) around a strictly protected central or core zone. None of the protective constraints apply within the buffer zone, which is intended to serve as a transitional area between the natural wilderness in the National Park and the surrounding area (see Section 4). Special measures are taken to ensure the sustainable use of natural heritage through education programmes, continuous monitoring and community participation initiatives (see Section 5). There may also be nature reserves within a National Park, providing even stricter protection.

### *Regional Nature Parks*

Legal provisions for regional nature parks (*parcs naturels régionaux*) were originally provided by *Decree No. 67-158 Relating to the Regional Nature Parks* of 1 March 1967, which was updated by Decree No. 75-983 in 1975. Once France had completed its decentralisation process and established administrative regions, these legal provisions were replaced by Decree No. 88-443 in 1988 which gives responsibility to the regions for the establishment of regional nature parks, while providing criteria for their designation.

Law No 93-24 of 8 January 1993 and its enforcement Decree No 94-765 of 1 September 1994 outline the general mission of regional nature parks and provide the framework for their

establishment and management through a Charter, which is drawn up specifically for each regional nature park. This legislation contains two major provisions for regional nature parks:

- the necessary compatibility of actions plans, land use plans or any other regional document concerned with the Charter; and
- The obligation to all signatories of the Charter, including the Government, to respect orientations and measures agreed in the Charter and their application throughout a regional nature park.

## 11.2 Purposes

### *National Parks*

National Parks are created for the conservation of fauna, flora, soil, atmosphere, water and the natural environment of special interest; and to protect this environment from the effects of natural degradation and artificial intervention capable of changing its appearance, composition and evolution.

The objectives of National Parks are:

- to maintain biological diversity *in situ*;
- to make the natural heritage available to the public and future generations; and
- to promote the development of behaviour which respects the environment.

Within the core zone, the primary objective is to strictly protect nature. Thus, hunting is usually banned. By contrast, the peripheral or buffer zone provides for the maintenance of traditional landscapes and ways of life, while providing facilities for tourism.

### *Regional Nature Parks*

Regional nature parks are intended to protect ecologically fragile sites having a rich natural and cultural heritage, while contributing to the socio-economic development of the area. In order to be established as a regional nature park, an area must be of particular interest for the quality of its natural and cultural heritage, for public education, recreation and relaxation, and for research (1988 Decree). According to the more recent Article R-244-1 of the Decree of 1 September 1994, the overall aim of regional nature parks is to promote concerted actions for the coherent management and economic development of their respective regions. The specific objectives of regional nature parks are:

- to protect the national heritage, particularly by appropriate management of nature and landscapes;
- to contribute to rational land use planning;
- to promote economic, social and cultural development and improve the quality of life;
- to attract, educate and inform the public; and
- to conduct experimental or exemplary actions in the above fields and contribute to research programme.

### **11.3 Selection And Establishment**

#### *National parks*

The establishment of National Parks is a lengthy procedure. Preliminary studies and consultations, with national and local agencies (e.g. municipal councils, rural authorities, Chamber of Agriculture, Commerce and Industry, National Nature Conservation Council and the Interministerial Committee on National Parks), are undertaken by the Ministry of Environment. The results of these are put before the Prime Minister, and followed by a public enquiry and the drafting of the decree. In the case of Mercantour National Park, for example, the consultation period lasted about five years due to intense local opposition.

National parks are individually decreed by the Council of Ministers (i.e. government). Decrees define core and buffer zones, and specify the responsible management agency (see Section 4). Much of the legislation is adapted to the prevailing local situation. Compensation may be provided on a collective basis for losses suffered by those communes lying within the boundaries of the National Park.

#### *Regional Nature Parks*

The establishment of regional nature parks is initiated by the respective region, which submits a Charter and a management plan to the Ministry of Environment. The Charter is drawn up by common agreement between the region and the interested local communes. Relevant bodies (e.g. town councils, civil and military administrations, department commissions, local hunting organisations) are consulted over a period of up to four months. During the consultation process, modifications to statutes and boundaries can only be carried out by agreement with the relevant parties, but central authorities can extend the powers of managers and the regulatory measures of the conservation police. As with National Parks, compensation for losses may be provided to communes lying within the regional nature park.

Provisions within the Charter cover five main areas: administration, plan of work, facilities, legal measures, and financing of facilities and management. These provisions are effectively enshrined with a regional nature park's bye-laws once it is established under the relevant regulations.

A regional nature park is declared by the Minister for Environment, following the recommendation of the Commission for Regional Nature Parks which assesses the nomination. The acceptance of a nomination depends on three criteria:

- the quality of its natural features and the fragility of the territory;
- the comprehensiveness of the Charter; and
- the available management capacity.

### **11.4 Administrative Arrangements**

#### *National Park*

National parks are public institutions under the authority of the Ministry of Environment. Each has a Board of Directors, the total membership of which is fixed by decree and ranges



from 27 to 50. Members are drawn from state departments (e.g. Environment, Agriculture, Home Office, Industry, Tourism, Health), local government (elected representatives from municipalities, regions, departments) and National Park staff. They also include technical experts appointed by the Ministry of Environment: two from the National Nature Conservation Council, one each from the National Museum of Natural History and the National Centre for Scientific Research.

The Board decides how the National Park is to be regulated and managed, and it agrees the budget. It is assisted by a Scientific Committee, an advisory body that prepares annual and five-year research programmes. The Directorate for Nature Conservation, within the Ministry of Environment, has established a working group to co-ordinate research throughout all National Parks.

Day-to-day administration of the inner core zone is the responsibility of the Executive Director, who is nominated by the Ministry of Environment and reports directly to the Board. The peripheral or buffer zone (*pré-parc*) is controlled by a Departmental Committee. National parks are subdivided into sectors, each under the control of a Chief of Sector who is assisted by field agents. Field agents are responsible for data collection, surveillance, assisting visitors and researchers, technical operations, emergency services and administration. A total of 380 staff, including 200 field agents are currently employed by National Parks. Numbers of staff within a National Park range from 24 to 70.

### *Regional Nature Parks*

Administrative responsibility for regional nature parks is specified in their respective Charter and may be allocated to either a public or private body. For example, the Camargue is managed by a private foundation, but with government representation, and both Lorraine and Ballons des Vosges are managed by regional non-governmental organisations.

Each regional nature park has a special development plan, aimed at maintaining and preserving the traditional landscape. This plan is codified in the Charter and accompanied by a budget for investment and operating costs for 10 years.

Most regional nature parks are managed by a Board, with responsibilities delegated to the Director. The Board comprises voluntary representatives from the departments, municipalities and professional organisations. Although most of the stimulus and enthusiasm tends to be generated at the departmental level, most decisions are subject to the approval and implementation of the rural communes.

## **11.5 Powers and Policies**

### *National Park*

National parks are public institutions (Section 4) which operate within a large partnership that includes other public bodies (e.g. National Forest Office, National Hunting Office, other National Parks), user associations (e.g. hunters), environmental non-governmental organisations, landowners and the private sector.

The 1989 Decree lists prohibited activities. These carry penalties corresponding to five classes of contravention, according to their degree of seriousness. The individual decrees for the different National Parks draw from this list as befits their respective needs. In general, hunting (but not fishing) is banned from National Parks, as is any interference with the flora and fauna, professional photography and film-making, and publicity. There are restrictions on commerce and industry, public and private works, mining, water use and, to some extent, public access. Forestry and agricultural activities are usually allowed to continue, but they are closely monitored to ensure that the main purposes of the National Park are not compromised.

Most land within National Parks is privately owned or belongs to the local communes. The national park authority is engaged with the relevant municipalities in any urban development plans involving its core and buffer zones. An example of a partnership agreement with the local communities is given in the case study below.

#### **Case Study: Partnership Between Ecrins National Park and Local Communes**

The agreement is enshrined within a charter that is guided by two principles:

- To co-operate in a holistic and long-term programme involving four sectors: natural heritage, agriculture, tourism and culture.
- To co-operate by respecting objectives of each partner, notably the mission of the National Park as a national institution, and the need to support local policies decided by the Municipal Council of each commune.

The agreement is implemented through the following strategy:

- Actions are planned according to the location of communes, the urgency of the problem, funding opportunities and the relevance to the Charter.
- A joint Commission comprising representatives from the communes and National Park is charged with the implementation and evaluation of the Charter.
- The Commission is assisted by a Body of Associated Members composed of representatives of departments and regions, National Forest Office and other interested groups.
- Every year, all signatories of the Charter meet in plenary to assess and evaluate their implementation of the Charter.

Source: Parc National des Ecrins, 1997

#### *Regional Nature Parks*

A comparison between a French regional nature park and an English National Park highlights the importance of strong legal and political support to enable park authorities to perform efficiently in the long term (see case study).

## Case Study: Comparison Between a UK National Park and a French Regional Nature Park

### Brecon Beacons National Park (Wales)

### Normandie-Maine Regional Nature Parc (France)

#### OBJECTIVES

To preserve and enhance the area's natural beauty (including flora, fauna, geological and physiographical features), whilst promoting the enjoyment of the park by the public and having regard to the social and economic interests of the local population.

The improvement of the lifestyles of those living within the Park and those visiting it. Promotion of understanding, protection and enhancement of the park's natural, cultural and human assets by dissemination of information and provision of educational and tourist facilities. Develop the economic and social vitality of the area, via agricultural diversification and the re-establishment of traditional economic activities.

#### SELECTION AND ESTABLISHMENT

Established in 1957 by the National Parks Commission (now the Countryside Commission) to protect the 'natural beauty' of the moorlands and mountains.

Established in 1975 by local politicians and institutions to protect the 'natural beauty' of the bocage (patchwork of hedged fields and orchard pastures) and large deciduous forests.

#### POLICY AND MANAGEMENT

National Park Authority operates as a high profile organisation, planning at regional and national levels. Direct and regular negotiations with regional and national administrative bodies. Managed under a comprehensive development strategy (National Park Plan).

Concentrates on local area initiatives, with schemes developed by the park authority in collaboration with farmers groups, administrators and researchers.

#### FUNDING

Funded by Central Government (75%) and local authorities (25%).

Majority of funds received from local and regional bodies, which also channel national contributions.

#### EFFECTIVENESS

Sufficient resources and partners to carry out comprehensive environmental surveys have been gained, therefore enabling the incorporation of detailed recreation and conservation strategies into park plans. The budget has increased, and influence has been gained over the national land-users operating within the park. However, the success or failure of local conservation schemes within the park is reliant upon the co-operation of the local land-owners and residents, who have been alienated as a consequence of the park's administrative structure. This has resulted in negative or neutral opinions about the park and, therefore, has limited the park's ability to carry out its objectives. The park has appreciated this issue and set up a small range of positive conservation schemes which aim to harness and maintain local support in preserving and improving the environment.

Park policy has concentrated upon local initiatives and focused on an integrated approach to issues of conservation and development. Local involvement has been built into policy initiatives, and conservation objectives are seen as positive complements to rural development. The overall effectiveness has been hampered by what is widely perceived as a lack of central support; park resources cannot be used in the long term to support such initiatives, so they must become largely independent within a relatively short space of time. This has led to the abandonment of schemes and job positions when funding has stopped. These problems would suggest that the original regional nature parks legislation made inadequate provision for the co-ordination between local and central government, the rectification of which is the current objective of the French Regional Nature Parks Federation.

Source: Dwyer (1991)



## 11.6 Funding

### *National Park*

National parks are funded mainly by the state, but also by local communities and from income generated through sales and services. They have been allowed to seek support from their local communes since 1995. An example of a National Park statement of accounts is given in Box 3. Some funds come from tourism. National parks receive about 6.6 million visitors per year (Ministry of Environment, Atelier Technique des Espaces Culturels, pers. comm., 1996). The most visited National Park is Pyrénées, which receives over 1 million visitors per year.

Case Study: Statement of Financial Activities for Ecrins National Park in 1996

1. Income (FRF)

A total of 36,454,453:

Source of funding	Amount	%
Government	33,826,523	92.79%
Park activities	2,503,791	6.87%
Others	124,405	0.34%

II. Expenses (FRF):

The total costs (salaries and overheads excluded) is approximately 15 Million

	Investment	Running (affected expenses)	Planning Contract	Total	%
Protection				1,086,850	7%
Knowledge	601,850				
Visitors				9,685,900	64%
Visitor management	839,000				
Information	912,000	1,291,200			
Information centre	6,643,700				
Co-operation	710,600	235,000	1,315,720	2,261,320	15%
Implementation	2,051,300			2,051,300	14%
Total	12,243,450	1,526,200	1,315,720	15,085,370	

Source: Parc National des Ecrins (1997)

### *Regional Nature Park*

According to the French Federation of Regional Nature Parks, in 1996 the total budget for a regional nature park was FRF 5-10 million. Funding is from various sources: regions (40%), departments (27%), communes within the regional nature park (20%), and the Ministry of Environment (10%).

Preliminary studies show that management costs for regional nature parks are double those of National Parks. Most of the costs of facilities are borne by the local communes, subsidised by the state. For example, in d'Amorique Regional Nature Park, the Department of Finistere

bears all capital costs and 70% of operational costs, with the balance provided by the 27 communes (20%) and the City of Brest (10%).

## **11.7 Guiding Principles of Management**

### *National Park*

National parks are usually zoned into at least core and buffer areas. The management plan is prepared jointly by the relevant authorities. It usually covers a five-year period and must be approved by the Ministries of Environment and Finance. It provides the general policies and specifies activities for infrastructural development and restoration.

A separate management plan is prepared for the peripheral zone by the local authorities, in close co-operation with local commune and the national park authority, under the responsibility of the Ministry of Environment.

There has been a certain amount of conflict in the interpretation of the law with respect to the use of the buffer zones. Whereas these were intended to act as transitional areas between the natural wilderness in the central zone and the outside world, they have often been the object of considerable investment to help compensate local authorities and populations for the inconvenience of national park designation. Developments within the buffer zones result in more pressure on core zones which, themselves, are also under pressure from economic developments (e.g. construction of skiing facilities and roads). Such developments require the approval of the public authorities, and this has sometimes been forthcoming. A further problem is the lack of any control over military activities, and the few means of restricting the often ecologically damaging activities of the National Forestry Office.

In many National Parks, management has included the successful reintroduction of species which had become locally extinct (e.g. Pyrenean ibex in Ecrins and Mercantour, marmot in Pyrénées and several species in Cévennes). Species reintroductions have also led to management problems, as in the case of the wolf in Mercantour National Park where local people have had to be compensated for the loss of their livestock.

### *Regional Nature Park*

The specific management of each individual regional nature park is provided by its Charter, accompanied with a strategic management plan. The Charter establishes the goals for the park, the broad outline of actions needed to achieve them and the measures to implement those actions. It is a 10-year undertaking by the signatories (i.e. the elected representatives, departmental and regional officials, as well as the national government, which must authorise it).

When the ten year period is up, the regional park's past accomplishments are subjected to a review procedure. If the regional park merits renewal of its Charter, its objectives for the next 10-year period are established as part of the review procedure.

Research and technical staff of the regional nature park work with local sector-based initiatives (agriculture, tourism, fishing) to monitor their impact and provide appropriate advice. Local economic activities which promote the conservation and sustainable use of

natural resources receive moral and financial support (Fédération des Parcs Naturels Régionaux de France, pers. comm.).

## **11.8 Wider Context**

### *Partnerships*

National parks are part of a national network which collaborates closely with various national institutions (mainly the Ministry of Environment), universities, research institutions and regional councils.

A number of National Parks have collaborative agreements with foreign National Parks (e.g. Mercantour with Argentera in Italy, Vanoise with Gran Paradiso in Italy, Cévennes with Saguenay in Canada and with Mont Ceny in Spain, Pyrénées with Ordesa y Monte Perdido in Spain, and Port-Cros with North Sporades in Greece).

The French Federation for Regional Nature Parks is involved in an EC-funded initiative on 'Sustainable Tourism in Protected Areas'. It also promotes international exchanges with European and developing countries. A total of 17 parks from around the world (Latin America, Europe, Africa, Asia) are currently in partnership with French regional nature parks.

### *International Designations*

A number of National Parks and regional nature parks belong to international networks of protected areas. France participates in all three global conventions and programmes concerned with protected areas (i.e. Ramsar, UNESCO Man and the Biosphere Programme and World Heritage Convention). For example, Camargue Regional Nature Park is a biosphere reserve and Ramsar site, Cévennes National Park and Vosges du Nord Regional Nature Park are biosphere reserves, Brenne Regional Nature Park is a Ramsar site, and Pyrénées Occidentales National Park is a World Heritage site.

## **11.9 Key Points**

### *National Parks*

- Provide for protection of biodiversity, while being accessible to the public for their enjoyment;
- National parks are individually decreed, following lengthy establishment procedures that include a public enquiry;
- Zoned into at least core and buffer areas, the former being strictly protected and the latter providing for the maintenance of traditional landscapes and lifestyles. Separate management plans are drawn up for core and buffer zones;
- The core area is the responsibility of a Board of Directors, with day-to-day administration assigned to an Executive Director. The buffer zone is controlled by a Departmental Committee;
- Most land within a National Park is privately owned or belongs to communes;
- Funded mainly by the state, but some income from communes as well as from sales and services.



### *Regional Nature Parks*

- Provide for protection of ecologically fragile sites of natural and cultural importance, while contributing to socio-economic development of the area;
- Established through the initiative of the region and based on a Charter, drawn up by common agreement between the region and interested local communes;
- Administrative responsibilities are specified in the Charter. Usually managed by a Board, with administrative responsibilities delegated to a Director;
- Funding is from the regions (40%), departments (27%), communes (20%), and Ministry of Environment (10%). (Percentages are averages.);
- The management policy is specified in the Charter and elaborated in an accompanying strategic management plan. The Charter is valid for 10 years, after which progress is reviewed and renewal considered.



## CHAPTER 12: NATIONAL PARKS IN GERMANY

*Germany has some 1,400 protected areas covering 96,193 km<sup>2</sup>, or 27% of the country (Green and Paine, 1997). This network includes National Parks, considered in this study, nature parks, nature reserves, natural monuments and landscape protection areas.*

*There are a total of 13 National Parks, designated and administered by 9 of the 16 states (Länder) in Germany. Two National Parks are covered by more than one Länder. Before unification in 1990, there were only three National Parks in West Germany. During the process of unification, four more National Parks were created in East Germany, as one of the last actions of its legal administration. Following unification this momentum has been maintained with three more parks established by the end of 1997 and, to date, two more in 1998. Most National Parks are classified by IUCN Category V but Bayerischer Wald, Berchtesgaden and Jasmund are in Category II.*

### 12.1 Legal and Policy Framework

#### *Federal*

At the federal level, the Ministry of Environment, Nature Protection and Nuclear Safety (Bundesminister für Umwelt, Naturschutz und Reaktorsicherheit) is responsible for administration of nature conservation, together with scientific and technical agencies. None of the ministerial bodies at the federal level has direct responsibility for protected areas, this falling on the Länder (states) ministries. Federal legislation provides only a framework for the establishment and management of protected areas, each Länder designing its own nature conservation act within this framework.

The existing enabling legislation is the Federal Nature Conservation Act, 1987. This is currently under revision, although changes are thought unlikely to significantly affect National Parks. Article 14 concerns National Parks:

- (1) The designation of areas as National Parks, which shall be a legally binding act providing uniform protection to the areas concerned, shall be subject to the following conditions:
  - The area concerned is large and of singular character;
  - The criteria defined for nature reserves apply to the greater part of the area concerned;
  - The area has not been affected by human intervention at all, or to a limited extent only;
  - The area helps to conserve the greatest possible variety of native fauna and flora species.
- (2) The Federal Länder shall ensure that, taking into account exceptions imposed by the large size of areas or the presence of population centres, National Parks enjoy the same protection granted to nature reserves. Where this is compatible with the purpose of protection, National Parks shall be accessible to the general public.



Under Article 13, nature reserves are areas designated by a legally binding act with the aim of providing special protection to nature and landscapes as a whole:

- In order to conserve habitats or refuges of certain species of wild fauna and flora.
- For reasons of science, natural history or national heritage.
- Because of the areas' uniqueness, or particular or singular beauty.

All actions which may lead to destruction of, cause damage to, or induce changes in, a nature reserve or which may be a source of major disturbance for a nature reserve, shall be prohibited, subject to more specific provisions to be adopted. Where this is compatible with the purpose of protection, nature reserves may be accessible to the general public (Scharinger, 1998).

In a review of its legal position, Czybulka (1994) concluded that the federal government is too weak with respect to National Parks considering their international importance. He identified several ways of increasing federal involvement within the existing legal instruments. In particular, a National Park concept for the entire republic has been elaborated only recently under the supervision of the Federal Agency for Nature Protection (Bibelriether *et al.*, 1997). Czybulka also points out the possibilities of provision of access to federal property, particularly with respect to areas formally used by the military. Responsibility for such military areas could be transferred to the Länder, with legally binding provisions made for their inclusion within or establishment as National Parks by revision of Article 14. Furthermore, he highlights the weak financial position of the federal government to support financially weak Länder in their efforts to establish National Parks.

### *Länder*

Nature conservation in Germany is assigned to the Länder. Nine of the 16 nature conservation acts at Länd level are relevant to National Parks. Three of these are illustrated in the case study below.

#### **Case Study: Provisions for National Parks within several Länder**

##### **Bavaria**

The Nature Conservation Act of Bavaria, 1984 makes the following provisions for National Parks under Article 8:

- Uniquely beautiful landscape with an intact ecology, high biodiversity, and a minimum area of 10,000 ha, may be declared as National Parks by the Länd. The entire site need not be within a single Bundesland in order to qualify.
- National parks serve mainly for protection and development of a rich diversity in flora and fauna, and for scientific observation of natural and near natural landscapes. They cannot be used for economic purposes.
- National parks should provide access to the public for recreation and education, if compatible with conservation purposes.
- Policies described in management plans with respect to items (2) and (3), such as hunting, are covered by specific regulations.

### **Schleswig-Holstein**

Enacted a National Park Law (Nationalparkgesetz) in 1985 specifically for the establishment of the Waddensea as a National Park, with 13 articles to regulate all issues. It defines the exact boundaries, the border to the land being 150 m from the dike or from the mean high tide. There are three zones, not defined in law, but designated by ministerial decree after reaching consensus by the Board (Kuratorium). The law also regulates the composition of the Board, compensation and penalties.

Recently, in 1993, Schleswig-Holstein implemented a more advanced Nature Protection Act (Landesnaturenschutzgesetz), which is considered to be very progressive and provides a model for other countries. It has also been adopted by Hamburg and Brandenburg. With respect to National Parks, it provides for their establishment, each under its own legislation, and for their administration by a National Park Authority reporting directly to the ministry. The Authority is provided with legal instruments to regulate activities such as implementation of the management plan and scientific monitoring. However, as in many other Länder, the legislation is over-ridden by matters considered to be in the national interest, specifically military activities, mining and coastal defence. In the case of training, exercises take place in two locations and oil extraction is ongoing.

### **Lower Saxony**

In contrast to Schleswig-Holstein, there is no act providing for the establishment of its section of the *Waddensea* as a National Park. Instead, its National Park designation is based on an ordinance, which is less legally binding and can be changed more easily.

## **12.2 Purposes**

As outlined in the previous section, the Federal Nature Conservation Act 1987 provides general criteria for the establishment of National Parks. The purposes of National Parks may be defined more precisely at the Länd level, but they vary between the different Länder. For example, the purpose of National Parks is clearly specified in the Nature Conservation Act of Bavaria 1984 (see case study above).

## **12.3 Selection and Establishment**

The Ministry of Environment in each Länd is the highest authority for the designation and administration of National Parks. Usually each National Park has its own authority, reporting directly to the ministry.

The process of designation is lengthy, often taking longer than the statutory four years due to the involvement of local communities and land owners. The proposal to establish Waddensea as a National Park took more than 10 years to develop from its initial concept and a further six years to designate following governmental approval, owing to the need to involve local communities and their major land user groups (e.g. farmers, fishermen, local tourist authorities), as well as national and even international nature conservation organisations in zonation for management of land use.



### **Case Study: Organised Resistance to Germany's National Parks**

In September 1997, the Association of People Affected by National Parks was founded in Zingst, near Boddenlandschaft National Park in Mecklenburg-Vorpommern. It comprises interest groups from 12 established or planned National Parks, who claim to have been marginalised during the planning process and are demanding from the politicians greater access to protected core zones for purposes of tourism and withdrawal from the trilateral Waddensea plan between Germany, the Netherlands and Denmark. In its constitution, the Association aims to preserve and develop the living space of those regions affected by National Parks. Most of their concern is focused on loss of control over large areas designated for natural processes. In this context, the Association expresses doubt that National Park criteria actually fulfil international standards. Other major objectives are based on purely commercial interests, in particular tourist agencies who fear loss of business opportunities. While the movement is generally not taken very seriously by commentators and the general public, because it does not accept any restrictions in the interests of nature conservation, this conflict demonstrates the importance of early involvement of local communities and user groups and the need to improve communication between national park authorities and the general public. There is also a clear need to develop a common understanding of the long term goals of nature conservation and common attitudes towards their achievement.

An exception was the four National Parks designated within a few weeks in September 1990 by the Ministry for Environment in East Germany, just before the unification of East and West Germany. There was hardly any time to involve local communities which has subsequently led to considerable resistance and conflict, not only in former East Germany. Acceptance by the local people has been deteriorating and a large movement has now aligned itself against National Parks (see case study above). To date only a few communities affected by National Parks have actually realised the potential benefits of their designation.

#### **12.4 Administrative Arrangements**

Sovereign responsibility for each National Park lies with its respective Länd, within which are three levels of administration: ministerial, regional offices (Regierungspräsidenten) and district authorities (Kreise) in consultation with the municipalities (Gemeinde). Most National Parks are administered by a specifically created Authority, which in most Länder is at the highest level and reports directly to the Minister. This is not the case in, for example, the Waddensea National Park in Lower Saxony, which is administered more weakly at the subregional level. Regulations, such as permits and restrictions, are not always administered by the National Park Authority, but practices differ between Länder. In Mecklenburg-Vorpommern, which administers three National Parks, there is only one Authority that reports directly to the Minister. This arrangement enables the Länder to create a network of National Parks (and other protected areas) consistent with the country's general conservation policy. At the same time, the Authority delegates to lower administrative levels.

Bayerischer Wald National Park Authority employs 135 staff, with 25 for conservation management, 10 for research, 45 for administration, and 55 for interpretation, guidance and technical maintenance.

#### **12.5 Powers and Policies**

Within each Länd, a Council for Nature Conservation and Landscape Management operates at local, district, and ministerial level, and acts as advisory bodies to the national park authorities.



Waddensea National Park in Lower Saxony has an Advisory Board, which comprises 15 members from the communities, municipalities, industry, trade and agriculture organisations, dike association, tourism and sport associations, and from scientific establishments and two representatives from nature conservation NGOs. The level of representation of nature conservation is considered to be too low by all 12 NGOs working in the region.

The Advisory Board for the Waddensea National Park in Schleswig-Holstein is slightly different, being regulated by the National Park law (Nationalparkgesetz), and comprises:

- Head of the county (Chair of the Board or Kuratorium);
- two from the county government;
- five from municipalities;
- one from the water authority;
- one nominee for nature conservation of Schleswig-Holstein;
- one nominee from each of the three counties involved;
- two scientists nominated by the ministry;
- one nominee from the umbrella nature conservation organisation of Schleswig-Holstein;
- one nominee from each organisation (tourism, sport, agriculture and fishery associations);
- one of each county representing the commercial business association;
- two members of the non governmental nature conservation organisations, which have been nominated by the ministry; and
- one nominee from each of the federal ministries of Environment and Agriculture.

In general, it is advisable for the entire property of a National Park to belong to the government, local communities or nature conservation organisations. If an area is purchased, either by the government or by a private conservation organisation, the price for the land is subject to voluntary negotiation. According to the laws of some Länder, land can be expropriated by compensation to establish a protected area but this has never been applied in practice. In some Länder, the legislation also provides for the right of first refusal to purchase private land for sale within a protected area.

#### **Case Study: Land Ownership in the Bayerischer Wald National Park**

Freistaat Bayern (Länder) owns 99% of the National Park, the rest (1%) belonging to the local community (roads) and some 70 ha under private ownership. The Forestry Department of Bayern (Bavaria) administers the National Park and the friends of the National Park provide support in the purchase or exchange of land. Due to old rights, some 600 ha are still under commercial timber production.

### **12.6 Funding**

National parks are funded entirely by the Länd governments themselves, often including visitor centres. There are some alliances with NGOs to help fund wider activities, such as public awareness and scientific monitoring. Other sources of funding include entrance fees. For example, Bayerischer Wald National Park annually receives about DM 400,000 from its entrance fees.

Despite the financial responsibility of the Länder, the Federal Government created a total annual budget of more than 50 million DM in 1995 for areas of national importance. This budget not only applies to National Parks, but has been increasingly used to cover the costs of establishing new National Parks, notably in former East Germany. For example, in Mecklenburg-Vorpommern, where a single authority is responsible for all three National Parks in the Länder, Vorpommersche Boddenlandschaft National Park received DM 11.5 million both in 1992 and 1993. A further DM 5.3 million was provided by the European Union. Most of the money was spent on staff salaries (14 staff in 1994).

## 12.7 Guiding Principles of Management

Many National Parks lack management plans. Recently, in December 1997, the National Park Authority of the Waddensea in Schleswig-Holstein held a workshop to develop a common framework for management plans of all of Germany's National Parks to meet the needs of all interest groups (Osterman, 1997). This represents a concerted attempt to move away from lengthy plans, full of prescriptions, restrictions and technical data that fail to accommodate the interests of the resident population and the general public (see case study).

### Case Study: Scope of Management Plans

Workshop participants, representing different National Parks, nature conservation organisations and consultants, agreed on the overall scope of management plans for Germany's National Parks, as follows:

- Provide better understanding of the principles of National Parks;
- Provide a framework for participation by local people;
- Provide a framework for the collaboration with local authorities;
- Provide an information base and policy guideline for the staff;
- Demonstrate fulfilment of national and international obligations, as appropriate (e.g. Länder, European Commission directives, UNESCO Man and Biosphere criteria, IUCN management category criteria);
- Provide a basis for monitoring;
- Provide a system for channelling public access;
- Provide a legally defined system of zonation to meet different management objectives.

Source: Ostermann, 1997

Every National Park is divided into at least two and sometimes three zones of different land use. The core zone should be devoid of any land use and habitat management, and cover at least 50% of the National Park area. It should be surrounded by a buffer zone in which sustainable forms of land use are allowed, provided they do not adversely affect the core zone. The buffer zone should also be managed in such a way as to maintain and promote habitat development for species of conservation concern. Often a third economic zone is established to further integrate the needs of local land users with the demands of nature protection. Public access is restricted to marked trails in the core zone. In other zones, there are usually no regulations except in certain individual cases of species conservation. An example of zonation is given in the case study below.



### Case Study: Managing Multiple Uses through Zonation in the Waddensea

The Schleswig-Holsteinisches Wattenmeer (Waddensea) National Park, covering 285,000 ha of Waddensea, water, sand banks and salt marshes, is one of the largest in Central Europe. It is defined into three zones. The core zone protects the major seal sand banks and breeding, feeding and moulting sites of birds, as well the geomorphologically important outer sand banks and salt marshes, but it is dissected by major shipping routes. It is strictly forbidden to enter the core zone unless in exercise of traditional rights (e.g. fishing) or for scientific purposes. By contrast, commercial fishing for fish, crab and mussels is allowed, but using conventional technology. The two buffer zones aim to further protect the Waddensea with respect to its natural features, through the application of different restrictions and permits. However, commercial fishing, including the ecologically harmful mussel fishery, is not restricted at all in the buffer zones 2 and 3. Moreover, oil drilling and military exercises in a specific area are legitimate, subject to special permission from the minister.

## 12.8 Wider Context

A national concept for National Parks in Germany was missing until recently, when Bibelriether *et al.* (1997) published a comprehensive report on the status and future prospects of existing and planned National Parks in Germany. The report reviews the history of National Parks in Germany (also in relation to international criteria and standards), their legal basis at federal and Länd levels, and principal roles, as well as outlining the views of the conservation agencies. It also describes the status of existing National Parks, with a comparative analysis of their ecological features, legislation, administration, staff and funding, management plans, research and land use. It identifies a further 18 candidate National Parks considered necessary to ensure that Germany's natural heritage is well represented, two of which have since been established.

A number of National Parks belong to international networks of protected areas. Germany participates in all three global conventions and programmes concerned with protected areas (i.e. Ramsar, UNESCO Man and the Biosphere Programme and World Heritage Convention). With respect to natural heritage, Germany has only one fossil site inscribed on the World Heritage List, but several National Parks are listed under the Ramsar Convention and Man and Biosphere Programme.

Germany, with Luxembourg, was one of the first countries in Europe to establish trans-border protected areas, namely the German-Luxembourgish Nature Park between the Grand Duchy of Luxembourg and the German Land of the Rhineland-Palatinate under the Treaty of 17 April 1964. Discussions are ongoing between the Bavarian and Czech authorities concerning the formation of a trans-boundary National Park, uniting Bayerischer Wald National Park with Sumava National Park. Their respective management plans already consider zoning and ecological features from a transboundary perspective (Bibelriether *et al.*, 1997). In 1982 the three Wadden Sea states of the Netherlands, Germany and Denmark signed the *Joint Declaration on the Protection of the Wadden Sea*.

## 12.9 Key Points

- National Parks are large areas (>10,000 ha in the state of Bavaria, for example), largely unaffected by human intervention, established to conserve the greatest variety of native fauna and flora. They are accessible to the public, where compatible with conservation purposes.



- Responsibility for National Parks lies with the Länder (states), based on federal enabling legislation that provides for the establishment and management of protected areas. Each Länd has its own separate nature conservation legislation.
- Each National Park has its own authority, which reports directly to the Länd ministry, and advisory board. An exception is Länd Mecklenburg-Vorpommern where all three National Parks come under a single authority that reports to the Ministry.
- Designation is usually a lengthy process due to often protracted negotiations with local communities and land owners. The establishment of four National Parks in the former East Germany, within a matter of weeks prior to unification, has subsequently led to considerable organised resistance to Germany's National Parks.
- National parks are funded entirely by their respective Länder. Revenue may also be generated from entrance fees. The federal government has also created a budget to support nationally important protected areas. Increasingly, these funds have been used to establish new National Parks.
- Very few National Parks have management plans. A process has been initiated to develop a common framework for management plans, meeting the needs of the national park authorities, as well as those of other stakeholders and the interests of the public.
- National parks are divided into at least core and buffer zones, and sometimes a third economic zone. the core zone must be devoid of any land use or habitat management, and cover at least 50% of the total area.
- The national park system is intended to be representative of Germany's natural heritage.

**CHAPTER 13: NATIONAL PARKS IN THE REPUBLIC OF IRELAND**

*There are five National Parks in Ireland covering approximately 38,944 ha. All are classified by IUCN as Category II.*

**13.1 Purposes**

There is no specific legislative base for National Parks in Ireland although legislation on National Parks and heritage areas is pending (RPS Cairns, 1997). Thus, there are no statutory objectives or purposes for Irish National Parks. However, it is possible to summarise the general purpose of National Parks in Ireland as the ‘protection of ecosystems and landscapes of special importance to provide for public use and appreciation’ (Hickie, 1997). The purposes of the Wicklow Mountains National Parks are summarised as:

*“National Parks exist to conserve natural plant and animal communities and scenic landscapes which are both extensive and of national importance and, under conditions compatible with that purpose, to enable the public to visit and appreciate them” (RPS Cairns, 1997).*

**Case Study: Objectives of the Wicklow Mountains National Park**

**To Conserve Nature within the Park**

Significant aspects of the natural heritage to be conserved within the Park include: heath, blanket bog, upland grassland, deciduous woodland, interesting plant and animal species and physical landscape features. Several of the habitat types occurring in the Wicklow Mountains are considered to be of international importance (i.e. of community importance under the terms of the Habitats Directive 1992) such as: oligotrophic lakes, heaths, rocky habitats and Oak-Holly Woods.

**To Conserve Landscape**

The Wicklow Mountains encompass a landscape of great quality. They show one of the few remaining extensive open mountain landscapes in the country, and the only one of its kind in the east of Ireland. The landscape has great scenic value with a variety of spectacular views, particularly where mountain, woodland and water occur in combination.

**To Conserve Other Significant Features and Qualities within the Park**

The Park includes prehistoric and historic sites and other significant features resulting from human activities. Conserving these features and qualities means doing all that is necessary to ensure their continued existence.

**To Promote Awareness of the Need for Conservation through Public Appreciation of the Park**

This implies developing support for environmental and heritage conservation generally through public awareness and the education and training of particular groups of people. It involves admitting visitors to the Park; providing facilities and services to interpret the heritage, whether by informal methods or as part of a formal education system, and providing facilities, compatible with other aims, that will enable visitors to enjoy the Park and so be favourably disposed towards it.

**To Develop a Harmonious Relationship between the Park and the Community**

The objective here is the relationship with the local community in the vicinity of the Park, although the wider national and international community is also important. The Park will benefit, both directly and indirectly, from the goodwill of the local community. The community can gain tangible benefits from the Park, such as employment opportunities, development of the tourism industry, and the important intangible benefit of being able to take pride in a Park of international significance.

### **To Contribute to Science through Environmental Monitoring and Research**

Areas where environmental monitoring or research on biological systems can be carried out under relatively natural conditions are scarce. The Park can make a valuable contribution to scientific knowledge and understanding which is essential for the maintenance of ecological processes, the preservation of genetic diversity and the sustainable utilisation of natural resources. Research also has immediate applications in the management of Park resources and the preparation of interpretative programmes.

Source: RPS Cairns, 1997

More specific purposes or objectives are being established for each National Park through the management plan process (see below). In the case of Wicklow Mountains National Park the draft management plan identifies six objectives (see case study).

### **13.2 Selection and Establishment**

There are no set selection criteria for the identification of National Park areas in Ireland nor a formal establishment process.

Killarney National Park (Ireland's first) was established when Senator Arthur Vincent, with his parents-in-law Mr. and Mrs. Bourn, gave the Muckcross Estate to the nation as a National Park. Under the terms of the Bourn Vincent Memorial Park Act 1932, which gave legal effect to the acceptance of the gift, the responsibility to 'maintain and manage the park as a National Park for the general purpose of the recreation and enjoyment of the public' was assigned to the Commissioners of Public Works. No further National Parks were established until the late 1960s when concern about the future of Killarney National Park prompted a study by the Office of Public Works into the reality and potential of the National Park concept in Ireland. This study led to Government approval for the application of the category II model of National Parks in Ireland and pursuit of a development policy for National Parks with an extension to the Killarney National Park and new parks established/proposed for Connemara, north west Donegal, Wicklow Mountains and the Burren.

Selection is dependent upon detailed surveys and, in part, tied to the establishment process which is based upon state acquisition of National Park land. The lands which constitute National Parks are acquired for the State and are managed by the National Parks and Wildlife Service under the provisions of the State Property Act 1954 and the State Authorities (Development and Management ) Act 1993. As can be seen from Fig. 13.0, National Park establishment has been gradual with Killarney National Park effectively doubling in size since it was first established in 1933 through a process of gradual land acquisition.



**Figure 13.0. Progress in Land Acquisition for National Parks**

National Park	1933	1972-82	1983	1995
Killarney	4,272	3,766	8,038	10,129
Glenveigh	-	9,667	9,667	12,343
Connemara	-	2,699	2,699	2,699
Burren	-	410	410	1,562
Wicklow Mountains	-	-	-	12,211
<b>Total</b>	<b>-4,272</b>	<b>16,542</b>	<b>20,814</b>	<b>38,944</b>

The normal pattern is for the State initially to acquire a core area of land within a larger National Park target area, and then gradually to acquire further lands within a larger National Park target area. For example, the Burren National Park currently comprises of 1,128 ha centred on Mullagh More hill with an eventual target National Park area of 3,000 ha (Brady Shipman Martin, 1996) and the final target size for the Wicklow Mountains National Park is 30,000 ha (see case study). Land acquisition for national park purposes does not entail compulsorily acquiring privately owned land.

#### **Case Study: Establishment of the Wicklow Mountains National Park**

In May 1988 the Taoiseach, Mr. Charles Haughey, announced the Government's plans for the establishment of a National Park in the Wicklow Mountains. It was proposed that the statutory nature reserves of Glenealo Valley and Glendalough Woods, which were formally established in April 1988, would form the nucleus of the National Park. The Office of Public Works (OPW) subsequently secured the agreement of Forest Service to the transfer of a number of forest plots held by them and which they no longer required for planting purposes. These amounted to over 2,900 ha of which over 1,600 ha adjoined the two nature reserves.

In November 1989, the proposal to establish a Wicklow Mountains National Park was submitted to the Government by the NPWS. The Government decided on the following measures:

- establishment of a National Park in County Wicklow in the 'core area' at Glendalough;
- expansion of the Park as resources permit within the target area of approximately 30,000 ha
- acquisition of Liffey Head Bog and surrounding lands from the Powerscourt Estate (negotiations for which were ongoing at the time);
- transfer of certain lands held by Coillte Teoranta (Forest Service), within the central uplands to the OPW for inclusion in the Park. Where land had already been planted, Coillte Teoranta would be permitted to harvest the timber crop as it matured; and
- the provision of a visitor centre for the Park

In April 1990, the Government announced the establishment of the Wicklow Mountains National Park. In making the announcement, the Minister of State gave a commitment to an eventual Park of about 30,000 ha. The Wicklow Mountains National Park was formally established on 1 January 1991 in an initial core area of 3,700 ha centred at Glendalough.

Source: RPS Cairns, 1997

### **13.3 Administrative Arrangements**

Since 1991 the management of National Parks has been an integral part of the responsibilities of the National Parks and Wildlife Service, which is part of the Department of Arts, Heritage, Gaeltacht and the Islands. Within the Department, the new corporate identity of Duchas, the

Heritage Service has recently been adopted, embracing Parks and Wildlife and other heritage functions, but this does not entail any change to the position of the service as an integral part of a government department staffed by civil servants. National Parks and Wildlife work is organised into seven regions and a typical Regional Manager would be responsible for a National Park as well as for all aspects of nature conservation in his/her region, including nature reserves, Special Areas of Conservation, Special Protection Areas and wildlife law enforcement. The particular administrative arrangements for Wicklow Mountains National Park are illustrated in the case study below.

**Case Study: Administrative Arrangements for the Wicklow Mountains National Park**

The current staff structure for the National Park is as follows:

- Park Superintendent (who is also the Regional Officer for the Eastern Region of the National Parks and Wildlife Service;
- four Park Rangers;
- two General Operatives;
- one permanent Guide;
- three temporary (seasonal) Guides.

The Park is administered from a temporary office base on the periphery of the Park.

**13.4 Powers and Policies**

Land ownership by the Office of Public Works is the key power to ensure the conservation and enjoyment of Irish National Parks. The State Property Act 1954 provides for the making of bye-laws to regulate public access but this power has not been exercised for National Parks as the maximum penalty for infringement of such a bye-law is only £5.

There have been statements of intent from Ministers to introduce a Bill to provide a legal framework for Irish National Parks, but to date this has not happened.

Instead of adopting a legal approach to powers and policies the management plan process has been used to establish a policy framework for each park (see Section 13.5).

The Killarney National Park Management Plan (Office of Public Works, 1990) and an interim plan for Glenveigh National Park identified substantial ‘buffer zones’ surrounding the parks, but these have no formal status and can be viewed as aspirational.

**13.5 Funding**

National parks are funded through central government. Funding for land acquisition has always been limited and the Irish Government has increasingly looked towards the European Commission to co-fund the acquisition of key areas. EU funds were originally accessed through the ACE programme and, more recently, EU funds are available to the State on a 75%:25% basis for the purchase of priority habitats under the Habitats Directive. These are peatlands, karst limestone, sand dunes and turloughs. There is also a national policy on peatland acquisition which coincides with EU policy (Hickie, 1997). Land acquisition for national park purposes is thus largely dictated by the availability of EU funds.

In 1992 the Office of Public Works spent a total of 6,615,000 Irish Punts of which 557,000 was on the acquisition of land and property and 3,764,000 on management (Office of Public Works, 1993).

Investment in National Parks has been seen by the Irish government as an investment in tourism as the vast majority of overseas visitors to Ireland come to enjoy the natural environment (Hickie, 1997).

**13.6 Guiding Principles of Management**

The Office of Public Works has a high level of control over the management and use of National Parks through the ownership of land. In recent years the Service has started work on preparing management plans for each Park to establish Park-specific objectives and a framework for future management. The management plans produced to date follow a similar structure:

- framework and objectives – details the legal framework and outlines the specific objectives of the National Park in question;
- inventory of park resources and values – this covers the natural and cultural environment, park infrastructure and other qualities valued by Park visitors;
- park zoning system – establishes a zoning system to guide management;
- protection of the natural environment – policies and management prescriptions for each habitat type and other land uses (e.g. cutting of peat, control of livestock etc.);
- protection of cultural resources and other qualities – policies and management prescriptions for the conservation of ancient monuments, old field patterns etc. that exist within the park;
- visitor access, facilities and interpretation – an outline visitor management strategy.

A zoning system (see case study) is being developed to guide the management of each National Park.

Case Study: Proposed Zoning System for the Wicklow Mountains National Park
<p>The Draft Management Plan for the Wicklow Mountains National Park proposes a three tier zoning system:</p> <p><b>Zone A: Natural Zone</b></p> <p>This zone covers the majority of the Park and incorporates all habitats which remain in a natural or semi-natural condition. In this zone nature conservation is of paramount importance, with different levels of management intensity employed to conserve and enhance the nature conservation value of habitats. The zone is sub-divided as follows:</p> <p><i>A1 Non-intervention areas</i> – natural processes will take precedence in these areas and they will not normally be subject to any management other than fencing where necessary.</p> <p><i>A2 Grazed areas</i> – these areas will continue to be grazed by livestock in order to maintain habitats and may be sub-divided into the following sub-areas according to the degree of control over grazing intensity exerted by the National Park:</p> <p>    A2.1 Grazed areas where grazing rights are owned by the National Park (and may be leased to tenants).</p> <p>    A2.2 Grazed areas where grazing rights are owned by others.</p> <p><i>A3 Active Management Areas</i> – these areas require active management in order to maintain their nature conservation value and consist of broadleaved woodland; old Scots Pine plantations and heathland areas managed for Red Grouse.</p>



#### **Zone B: Restoration Zone**

This zone consists of areas which have been highly modified by human activities and where the objective is to restore the areas to a semi-natural condition. The zone may be sub-divided as follows:

*B1 Existing conifer plantations* – areas currently managed by Coillte Teoranta for commercial forestry which will revert to the Park after commercial timber has been extracted. The long-term objective is to restore, where possible, the natural, cultural and aesthetic values of these areas and ultimately to integrate them with other zones.

*B2 Agricultural land* – mainly improved grassland in the valleys where the long-term objective is to restore their nature conservation value.

*B3 Damaged peatlands* – areas of peatland damaged through turf-cutting or drainage where the objective is to restore the nature conservation value through blocking of drains to restore the hydrological integrity of the site.

#### **Zone C: Cultural Zone**

Primary objective is the conservation of features resulting from human activities, nature conservation is a secondary objective within this zone and visitor access is permitted provided that this subject to the primary objective of the zone.

#### **Zone D: Intensive Management Zone**

This zone is relatively small and comprises areas of infrastructure (buildings, roads and car parks) within the National Park. In this zone basic Park objectives other than conservation are emphasised, provided there is no adverse impact on conservation value of significant Park resources in this or neighbouring zones.

Source: RPS Cairns, 1997.

### **13.7 Wider Context**

The debate surrounding the building of visitor centres in the Wicklow Mountains and Burren National Parks has raised public awareness of the significance of National Parks, how they are managed and how they might expand (Hickie, 1997). There are calls for greater involvement of local community interests, such as neighbouring landowners, in the establishment and management of National Parks.

The five Irish National Parks are small by European standards (they only cover 0.5% of the national territory) so there is much debate as to how they might expand. One option being debated is the idea of a State owned 'core area' for each National Park, managed primarily for nature conservation, surrounded by a larger 'buffer zone' of privately owned land where planning controls and financial incentives would ensure sympathetic management (Hickie, 1997).

### **13.8 Key Points**

- Irish National Parks have tended to be small areas, largely unaffected by human intervention, established to conserve flora and fauna. They are accessible to the public, where compatible with conservation purposes.
- Responsibility for National Parks lies with central government.
- There is no specific legislative base for Irish National Parks, they are established through voluntary land acquisition by the State. The normal pattern is for the State initially to acquire a core area of land within a larger National Park target area, and then gradually to acquire further lands within a larger National Park target area (as funding allows).

- State owned land within new National Parks (e.g. land owned by the Forest Service) normally transfers to the Office of Public Works upon establishment.





## CHAPTER 14: NATIONAL PARKS IN ITALY

*According to IUCN (1998), Italy has over 420 protected areas covering some 22,037 km<sup>2</sup> or 7.3% of the country. This network consists mostly of National Parks, regional nature parks and state nature reserves.*

*This study focuses on National Parks, of which 13 are listed in 1997 United Nations List of Protected Areas. The largest is Pollino (192,565 ha) and the smallest is Arcipelago Toscana (3,419 ha). All but three National Parks (Category V) are classified by IUCN as Category II. Italy currently has a total of 18 National Parks.*

### 14.1 Legal and Policy Framework

#### *Constitution and Government*

Italy is a democratic republic divided into 15 autonomous regions and five autonomous regions with a special constitutional status. These are subdivided into 94 provinces and 1,230 municipalities.

The regions have their own councils and governments with certain legislative and administrative functions adapted to the prevailing circumstances. A government commissioner co-ordinates regional and national activities. Similarly, there are provincial and municipal councils.

#### *Policy and Legislation*

In general, legal provisions for protected areas are made at regional level in accordance with Presidential Decree No. 616 of 24 July 1977, which transferred the administration of agriculture, forestry, hunting, fishing in inland waters and the protection of nature to the regions. However, National Parks and nature reserves of national importance have remained under central government control, although more recently some of the responsibilities for National Parks have also been devolved. A separate law of 31 December 1979 defines the relevant regulations and the division of responsibility between the state, regions and the *comunità montane* (mountain communities).

The Italian National Act No. 394, 1991 provides a framework for the designation of protected areas on the basis of Article 32 of the Italian Constitution. It maintains the right of the state to designate new areas as National Parks and nature reserves, provided they are of national interest. Provisions cover national and regional protected areas, as well as regulations about their provisional status, penalties and state ownership. This Act provides a framework for establishing new National Parks and regulating their management.

### 14.2 Purposes

In accordance with Article 2 of Act 394/91, National Parks have to fulfil international criteria and comprise land, rivers, lakes and marine areas of specific and intact ecological status. They should be of national and international importance in terms of their natural, scientific, aesthetic, cultural, educational and recreational values for the benefit of present and future

generations. Special rights for the autonomous provinces of Trient and Bozen (South Tyrol) are provided in the establishment of a National Park (Scharinger, 1997).

### **14.3 Selection and Establishment**

Act 394/91 provides for the establishment of a protected areas system of international, national and regional importance by means of a three-year Plan (*Programma triennale per le aree naturali protette*). National parks are key elements of the national planning system of protected areas, as defined in this Plan. The Plan contains an inventory of areas of international, national and regional importance, which already have been specified under current law. It sets a time frame for the establishment of new protected areas or the extension of existing ones; specifies a budget for each site, and each financial enterprise, including financial incentives for sustainable agriculture that enhances nature conservation. It also sets criteria and provides guidelines for the authorities responsible for establishing and managing these protected areas. Implementation of the Plan is supervised by the Minister for Environment, who also can recommend any necessary changes to the Committee. The Minister has authority to enforce implementation of any aspects of the Plan which have not been executed within the requisite time-frame.

The identification and selection of protected areas, as regulated in Article 3 of Act 394/91, is the responsibility of the national Committee for Protected Areas, supported by the Technical Council for Protected Areas (*Consulta tecnica per le aree naturali protette*). The Committee comprises the ministers for Environment (who has the lead) Agriculture and Forestry, Merchant Navy, Culture and Resources, and Labour, Universities and Science, together with their respective secretaries and six presidents (or their representatives) from the provinces and autonomous regions. The Technical Council consists of nine experts in nature conservation and science, nominated by the Minister of Environment for a period of five years.

Article 8 of Act 394/91 regulates the establishment of National Parks. On the recommendation of the Minister of Environment and after consultation with the affected regions, the National Park and its borders are designated by decree of the President of the Republic. If a National Park lies within an autonomous region, their agreement to its establishment is necessary. It is expressly mentioned that those National Parks belonging to an autonomous region still require an administration that is consistent with National Parks elsewhere (Scharinger, 1997).

Establishment of a new National Park may be proposed by the Minister of Environment, the Committee for Protected Areas, a recognised non-governmental organisation, or by the public if its petition is signed by at least 5,000 people. Proposed protected areas can be granted preliminary protection status before designation by the Minister for Environment or the Regions, if in urgent need of protection from existing threats (Scharinger, 1997).

### **14.4 Administrative Arrangements**

National parks are created under individual legislation. Each park has its own constitution, amended and provided with enabling regulations which define the management authority. Administrative arrangements are provided in Articles 9 and 10 of Act 394/91. Administration is the overall responsibility of a Park Society (*Ente parco*), which is supervised by the Minister for Environment, in co-operation with the Minister for the Merchant Navy in the case of

marine sites. The Society consists of a President, Board, Executive Committee, Council of Auditors and the park community (la Comunità del parco). The Board consists of the President and twelve other members expert in the field of nature conservation. It is responsible for all general issues, especially financial matters. The President represents the National Park, co-ordinates their activities and takes responsibility for the Board's decisions. The Park Director heads the administration and is responsible for addressing tasks set by the Minister of Environment. The park community is an advisory body. It consists of the presidents of the regions and provinces and the mayors of the communities. They contribute to the park order and park plan, and decide about the economic and social plan (Scharinger, 1997).

A breakdown of staffing levels and numbers for a selection of National Parks is given below:

<b>Case Study: Numbers of Staff in some Italian National Parks (1997)</b>			
<b>Name</b>	<b>Year Established</b>	<b>Area (ha)</b>	<b>Numbers of Staff</b>
Abruzzo National Park	1923	43,950	Conservation: 1 Administration: 34 Interpretation: 13 Technical maintenance: 11 TOTAL: 59
Foreste Casentinesi	1989	38,118	Conservation management: 8 Research: 1 Administration: 8 Interpretation/guides/guards: 46 TOTAL: 63
Gran Paradiso	1922	70,200	Conservation management: 1 Administration: 6 Interpretation/guides/guards: 53 Technical maintenance: 5 TOTAL: 65
Monte Sibillini	1988	71,437	Full time: 4 Part-time: 2 TOTAL: 6

## 14.5 Powers and Policies

The new Act 394/91 provides for three planning instruments: the National Park order (Regolamento del parco), the National Park plan (Piano per il parco) and the multi-annual economic and social plan (Iniziativa per la promozione economica e sociale). The National Park order regulates activities, such as building houses, visitors and their transport, as well as stipulating the usual prohibitions and exceptions of these. The traditional rights of the local people, such as wood and plant collecting, are subject to the provisions of the order. The management plan covers nature protection, regulations concerning private land use, and development of public education facilities (museums and visitor centres).



Regulations in the National Park plan are legally binding for purposes of nature conservation, override those already existing in municipal plans, forest plans, water plans and even hunting plans (Scharinger, 1997).

Patterns of land ownership are summarised for a selection of National Parks in Fig. 14.0. In general, 25–40% is privately owned and the rest is under some form of public ownership.

**Figure 14.0. Land Ownership in some Italian National Parks (1997)**

National Park	Size (ha)	State	Region	Municipal	Private
Abruzzo	43,950	-	-	90%	10%
Foreste Casentinesi	38,118	14%	51.9%	-	33.5%
Gran Paradiso	70,200	17%	-	42%	41%
Monte Sibillini	71,437	←	60%	→	10%
Val Grande	12,210	25%	40%	10%	25%

**14.6 Funding**

The multi-annual economic and social plan provides a framework for all economic activities within the National Park and its adjacent areas. The plan has to be approved by the Board, having been endorsed by the affected regions (Scharinger, 1997). The plan should promote sustainable economic activities, regulating and promoting special programmes within the different National Park zones.

In general, funds are provided by the state and the regional authorities. Abruzzo derives an additional Lire 1 billion annually in income from its 2 million visitors and other sources. Similarly, Gran Paradiso, which receives 1.5 million visitors annually, generates Lire 180 million of additional income. Several National Parks benefit from European Commission funds for specific projects. Additional funding sources may include private organisations (e.g. Gran Paradiso) or banks (e.g. Val Grande).

**14.7 Guiding Principles of Management**

Currently, none of the National Parks has a management plan. Valgrande National Park is in the process of formulating its first National Park plan. In principle, National Parks are divided into four different zones for management purposes, according to the degree of nature protection and permissible level of human activities.

**Case Study: Abruzzo National Park**

The Abruzzo National Park, founded in the Italian Apennines in 1923, is a persuasive example of the beneficial links which can be established between landscape / nature conservation and local economic development (Adams, 1996).

At the time of the park's designation there was considerable opposition from local people who were concerned that protected area status would thwart opportunities for much needed economic growth in the area (Tassi, 1995). However, by the mid-1970s relations between the park authority and local people had improved to the extent that wildlife and landscape conservation was seen by many as the key to economic advancement.

The formerly restrictive stance adopted by the park authority has evolved into a more open and co-operative approach where the key management issue is seen as being to protect Abruzzo's landscape and wildlife value "... while at the same time enabling people to experience a new model of sustainable development, based on a reasonable exploitation of local resources" (Tassi, 1995, p. 3). One of the principal ways in which the park authority has sought to realise this is through promoting the 'cultural visit': an approach to tourism which encourages visitors to respect the park's cultural and natural heritage and bring prosperity to local communities (Tassi, 1995).

The park authority has collaborated with local communities to provide a range of services and attractions such as guided nature walks, pony trekking, museums and visitor information centres, local art and craft exhibitions. Together these have opened up new employment opportunities in an area which formerly suffered from high rates of unemployment and emigration. In a number of instances local businesses have taken advantage of the Abruzzo National Park's official symbol as a powerful marketing tool. A striking example of the close association between conservation and local prosperity is a village bank which has adopted the National Park's logo on its cheque books (Tassi, 1995).

The key to the success of the Abruzzo National Park resides in the zoning structure used to guide its planning and management (see Fig. 1). According to Tassi (1995, p. 8) each zone is able to "... meet man's manifold needs in an orderly and controlled manner" provided that there is a degree of give and take on the part of the park authority and local people:-

**Zone A** is a **strict nature reserve** where planning and management is directed towards low-impact tourist activities, such as guided walks, photography and painting. Exploitative or productive activities are strongly resisted and nature is essentially left undisturbed.

**Zone B** is a **general nature reserve** where sustainable farming and other forms of traditional land management are practised and where the reasonable exploitation of natural resources by local communities is sanctioned. According to Tassi (1995) this zone is the "... meeting point where man and nature can coexist" (p. 8).

**Zone C** is **protected countryside** in which agriculture and other productive systems operate.

**Zone D**, the **development zone**, "... is the inhabited space (where) old historical centres are restored, and enriched with cultural attractions in order to develop the life of local communities in close harmony and coexistence with the presence of visitors" (p. 8). This zone is sub-divided into:

**D1** 'inhabited centres', in which settlements are located and allowed to develop and expand according to standards and limits jointly agreed by the park authority and various other local authorities.

**D2** 'reception facilities', which play "... a fundamental role in the concentration, organisation and control of visitors and tourists" (p. 8) and which act as a buffer zone diverting tourist pressures away from more sensitive areas.

**D3** 'park organisation' which is characterised by the presence of larger scale tourist infrastructure such as car parks, picnic areas, nature observation points and tourist information centres.

Rather than the traditional protected area ethos of ring-fencing nature and saying 'hands off, no development', the plan for the park is one that offers a range of alternative, but complementary zoning strategies which actively encourage development that is compatible with Abruzzo's primary conservation objectives. In this respect, Tassi (1995) suggests that the park has many of the features of a biosphere reserve.

It is a measure of the success of the park's integrated approach that its boundaries have been extended to incorporate the adjacent Mainarde region. Tassi (1991, p.4) notes that this was "... *not a matter of confrontation with local interests, but happened to be the result of ... pressure from the local population asking for the first time to be integrated in the Park and .. become part of this comprehensive project of eco-development*". The success of Abruzzo is also reflected in proposals to join-up with other National Parks and reserves to form a much larger South European Park whose management would closely mirror that of the existing Abruzzo National Park.

## 14.8 Wider Context

There are a number of transboundary agreements between Italy and neighbouring countries concerning the collaborative management of adjacent border parks. Gran Paradiso National



Park was formally twinned with Vanoise National Park in France in 1972, an action that led to the expansion of their common borders from 6 km to 14 km. Argentera Regional Nature Park was formally twinned with Mercantour National Park in France in 1987, and the two protected areas are due to be officially merged on 6 June 1998. Stelvio National Park shares a common border with Swiss National Park in Switzerland, although no formal agreement has been signed.

Italy has ratified the World Heritage Convention, but no natural sites have yet been inscribed on the World Heritage List. A large number of wetlands of international importance have been designated under the Ramsar Convention. Italy also participates in the UNESCO Man and the Biosphere Programme. At European level, Italy has ratified the Barcelona Convention, with its Protocol Concerning Mediterranean Specially Protected Areas. A number of Mediterranean special protected areas have been designated under this Protocol.

## **14.9 Key Points**

- In general, responsibility for nature conservation has been transferred to the regions, but National Parks have remained under control of central government, with some powers devolved.
- National parks are areas of specific and intact ecological status. They should be nationally or internationally important with respect to their natural, scientific, aesthetic, cultural, educational and recreational values.
- National parks are the key ingredient of the national protected areas system planned for Italy.
- The Minister of Environment, the national Committee for Protected Areas, bona-fide non-governmental organisations, or the public may propose the establishment of a new National Park.
- Proposed National Parks (or other protected areas) may be granted preliminary protection status if in urgent need of protection from existing threats.
- Each National Park is individually legislated and has its own constitution, with enabling regulations that define the management authority.
- Administrative responsibilities for a National Park lie with the Park Society, which includes the Board and the Park Community. The latter is an advisory body comprising presidents of the regions and mayors of the communities.
- The legislation provides for three planning instruments: the National Park order, which regulates activities in a National Park; the National Park plan, which covers management; and the multi-annual economic and social plan, which provides a framework for economic activities within a National Park and its adjacent areas. Currently, none of the National Parks has a National Park plan.
- Up to 40% of land within a National Park is privately owned, the rest being under state, regional and/or municipal ownership.
- National parks are funded by state and regional authorities. Much additional income may be generated from tourism.



## CHAPTER 15: NATIONAL PARKS IN THE NETHERLANDS

*According to IUCN (1998), the Netherlands has some 85 protected areas covering 4,820 km<sup>2</sup>, or 11.7% of the country. This network comprises National Parks, considered in this study, nature reserves, natural monuments and a few other designations.*

*There are a total of 12 National Parks, the largest being De Biesbosch (7,100 ha) and the smallest De Groote Peel (1,440 ha), both of which are classified by IUCN as Category IV. The other National Parks are managed in accordance with IUCN Category II.*

### 15.1 Legal and Policy Framework

#### *Constitution and Government*

The Netherlands is a constitutional and hereditary monarchy. The kingdom is divided into 12 provinces and 636 municipalities. Each province has its own representative body, the Provincial State, which is entitled to issue ordinances concerning the welfare of the province and raise taxes pursuant to legal provision, subject to approval by the Crown.

Each municipality is governed by a Municipal Council, directly elected by residents. The Council may issue bye-laws and levy taxes pursuant to legal provisions, subject to approval by the Crown. The Council is presided over by the Burgomaster, appointed by the Crown.

#### *Policy and Legislation*

Environmental issues have been a major feature of recent election campaigns. Local government is often responsible for the acquisition of land and the enforcement of environmental legislation and policy.

One of the principal acts providing protection to natural and other ecologically valuable areas is the Nature Conservation Act, 1967, under which the central government can designate protected natural monuments on private property and state natural monuments on state property. However, there is no enabling legislation for other types of protected area. Since the 1970s it has been government policy to create and manage units of land of over 1,000 ha for conservation purposes by the application of existing legal instruments. There are four main categories of protected area: National Parks (> 1,000 ha), national landscapes (> 10,000 ha), large landscape zones (5,000-10,000 ha) and large nature zones (> 1,000 ha).

National parks are formally established by physical planning and other regulations in accordance with the Nature Conservation Act. Restrictions on land use exist, but are not regulated by national law. They cover agriculture, forestry, hunting, fishing, tourism, building of settlements and exploitation of energy resources. In the case of the Schiermonnikoog National Park, the regulations also stem from the local government, Natuurmonumenten and Rijkswaterstaat, as well as the national and regional parliaments.

In June 1990, the Dutch government proposed a major new policy initiative, the Nature Policy Plan, the objectives of which are the sustainable development and restoration of ecological and landscape values. This policy is linked to the National Environmental Policy Plan and the Third National Policy Document on Water Management. The three plans are considered

essential for the overall success of nature conservation policy, with certain characteristic ecosystems highlighted for special attention. The Nature Policy Plan calls for the creation of a sustainable structure for nature conservation through the establishment of a *national ecological network* (see case study), the development of new areas of high ecological value; the fostering of social support for the nature conservation policy; and the reinforcement of landscape conservation.

#### **Case Study: Managing Multiple Uses Through Zonation in the Waddensea**

The key element of the Dutch Nature Policy Plan, approved by parliament in 1990, is the development of a national ecological network over the next 20-30 years.

The Netherlands has lost much of its natural wealth over the last century, with the result that remaining natural areas are small and fragmented. In order to reverse this deterioration of natural ecosystems, the plan is to link areas of high nature conservation value in a coherent and robust ecological network. Development of this network has been based on the following ecological principles:

- selecting a representative set of ecosystems of (inter)national importance;
- increasing the size and connectivity of (semi-)natural ecosystems; and
- taking into account landscape-ecological relations.

The national ecological network comprises core areas, nature development areas and ecological corridors, as follows:

**Core areas** are large areas (>500 ha) whose ecological value is of national or international significance. They include regions which have agricultural, forestry or fishery interests (e.g. Dutch territorial waters of the North Sea), as well as some water catchment regions, recreational areas, sea defences, military training grounds and navigation fairways. Smaller habitats important for certain species have also been potentially designated as core areas.

**Nature Development Areas** are those suitable for the creation of habitats of national or international importance, such as nutrient-poor (wet) grassland, marshland and marshy woodland.

**Ecological corridors** comprise landscape features and man-made artefacts that facilitate migration between core areas. Such corridors are designed to prevent isolation of species that migrate considerable distances over land or in water. They include hedgerows, dikes, banks of waterways and roads. Barriers along migratory routes will be removed or bridged (e.g. new hedgerows and tunnels for badgers, fish ladders, cerviducts for deer).

**Buffer zones** are foreseen as necessary to protect the ecological network from desiccation and the inflow of polluted (ground) water.

Powers available for implementing the ecological network include:

- application of the Nature Conservation Act;
- acquisition of land to expand the areas of high ecological value (360 km<sup>2</sup>);
- acquisition of land for habitat creation (500 km<sup>2</sup>);
- doubling Environmentally Sensitive Areas from 1,000 to 2,000 km<sup>2</sup>;
- application of the EC Hill-farming Directive;
- continued financial support to non-governmental organisations for nature management; and
- realisation and expansion of the National Parks system.

In order to implement this policy, its spatial planning aspects were given a statutory basis in the National Structure Plan for Rural Areas, 1993. Much of the success to date can be attributed to the adoption of the national ecological network as a political issue. This provided the impetus for doubling the nature conservation budget of the Ministry of Agriculture, Nature Management and Fisheries.

Source: Lammers and Zadelhoff, 1996



## 15.2 Purposes

A National Park is an intact area of at least 1,000 ha, comprising natural features (e.g. rivers, lakes, woods) of special scientific character, flora and fauna. Such areas should provide adequate opportunities for the inclusion of restricted zones for limited recreational use. They should contain little or no cultivated land.

Management objectives are to preserve and/or to develop the natural, ecological, geomorphological and aesthetic features. Opportunities should be provided for public enjoyment and appreciation of these areas. For the purpose of planning and management, preference shall be given, in principal, to the preservation, maintenance and restoration of the natural, scientific and scenic value of these areas over and above all other developments.

National parks may encompass large nature zones (Grote eenheden natuurgebied) in which outdoor recreation is actively discouraged. One or more National Parks, and other large nature and large landscape zones, may be included within national landscapes (Nationale landschappen) which incorporate agricultural land and settlements.

## 15.3 Selection and Establishment

In 1975 the government established a policy aimed at establishing 21 National Parks in areas designated as *potential National Parks*. A Provisional National Parks Commission (Voorlopige Commissie Nationale Parken) was set up at the national level. It has no legal powers, but addresses problems facing potential parks, including the reluctance of local communities and landowners to have such parks established. Consultation groups are set up, and the Minister of Agriculture, Nature Management and Fisheries can then give a potential National Park the status of *National Park in formation*. After a development and management plan has been prepared and approved by all stakeholders involved, the site can be officially designated as a National Park.

## 15.4 Administrative Arrangements

The Ministry of Agriculture, Nature Management and Fisheries (Ministerie van Landbouw, Natuurbeheer en Visserij), which includes the Directorate for Nature Conservation, Environment and Fauna Management, is the main government body concerned with protected areas and nature conservation.

The management authority is the National Park Board comprising members of all stakeholders (authorities, managers, and land owners). The Board is chaired by the provincial representative. Its task is to formulate a management plan, regulate land use, tourism, habitat management, and monitor flora and fauna with respect to impacts from tourism and other threats.

The National Park Board for Schiermonnikoog employs 12.5 staff (three for conservation management, one for administration, 0.5 for research, and eight for interpretation, guidance and technical maintenance).



## **15.5 Powers and Policies**

Land in National Parks is either totally owned by the state or at least predominantly owned by provinces, municipalities or private nature conservation organisations of which there are many (e.g. Provincial Landscape Boards, National Park Foundations, Foundation for the Conservation of the Provincial Landscape). Most of the private organisations come together under the Foundation for Nature and the Environment (Stichting Natuur en Milieu) which has a major influence in government and public circles.

## **15.6 Funding**

The Minister is responsible for approving an annual and multi-annual plan for each National Park. The amount of funds available to a National Park varies and depends on the yearly budget (Ministry of Agriculture, Nature Management and Fisheries, 1997).

Some US \$3.5 million per year are spent on National Parks by national authorities. In Schiermonnikoog National Park both the state and private organisations contribute to the budget.

## **15.7 Guiding Principles of Management**

Most National Parks have an approved management plan. A consultative body, comprising land owners, managers and other concerned parties (e.g. representatives of the provinces and local governments, reed cutters in the case of the Weerribben National Park), is assigned the task of drawing up a management and development plan. Once drafted a plan is open to public consultation and then submitted to the Secretary of State for Agriculture, Nature Preservation and Fisheries for approval. Management measures may include provisions for recreation, and restoration of water systems, and agricultural and forested areas.

All National Parks have a zoning system. For example, Schiermonnikoog National Park, of which 1,500 ha of the total area of 5,400 ha, is marine, has a core zone of more than 50% which is totally protected and accessible only outside the breeding season (15 April – 15 July).

## **15.8 Wider Context**

There is a National Park concept, as yet unpublished, which aims to ensure that all important ecosystems in the country are represented within National Parks. Under the National Nature Policy Plan, efforts are being made to link the Dutch ecological network with nature areas in neighbouring countries.

Very recently, on 22 December 1997, the Ministry of Agriculture, Nature Management and Fishery implemented a new regulation to subsidise national and trans-boundary parks (with Belgium and Germany). Under Article 2 of this decree the Minister is authorised to subsidise projects concerning the establishment, management, education and scientific research of National Parks and potential trans-boundary parks.

The Netherlands participates in all three global conventions and programmes concerned with protected areas (i.e. Ramsar, UNESCO Man and the Biosphere Programme and World Heritage Convention). A number of wetlands are listed under the Ramsar Convention and the

Dutch section of the Wadden Sea is a biosphere reserve. No natural sites have been inscribed on the World Heritage list.

In 1982 the three Wadden Sea states of the Netherlands, Germany and Denmark signed a *Joint Declaration on the Protection of the Wadden Sea*, providing protection through the co-ordinated application of international legal instruments by the states concerned.

### **15.9 Key Points**

- National parks are established through physical planning and other regulations under the Nature Conservation Act.
- National parks lie at the heart of the national ecological network, representing core, predominantly natural areas of scientific importance for flora and fauna.
- National parks should be intact areas of at least 1,000 ha. They may contain nature zones in which recreation is actively discouraged.
- The management authority is the National Park Board, its members representing public and private stakeholders. Management planning is undertaken in consultation with stakeholders, including the public.
- Land is either totally or predominantly owned by the state or private nature conservation organisations.





## CHAPTER 16: NATIONAL PARKS AND NATURE RESERVES IN SWEDEN

*Sweden has 4,761 protected areas (Swedish Environment Protection Agency, 1997 data). The United Nations List of Protected Areas (IUCN, 1998) records 350 protected areas covering 36,547 km<sup>2</sup>, or 8.3% of the country. This network comprises National Parks and nature reserves, both of which are considered in this study, as well as natural monuments, wildlife sanctuaries and nature conservation areas.*

*There are a total of 25 National Parks, the largest being Padjelanta (198,400 ha) and the smallest Nora Kvill (27 ha). Most are classified by IUCN as Category II, the exceptions being Garphyttan and Stora Sjöfallet which are both Category V. There are nearly 2,000 nature reserves, the largest being Sjaunja (285,000 ha). Nature reserves are classified by IUCN as either Category Ia or IV.*

### 16.1 Legal and Policy Framework

#### *Constitution and Government*

Sweden is a representative and parliamentary democracy. Election to the *Riksdag* (parliament) is proportional. The country is divided into *Länsstyrelse* (counties), subdivided into municipalities, each with an elected council. The government appoints a Governor to each county who is chair of a Board elected by the county council. The parishes, local units of the Swedish Lutheran Church, have the same status as municipalities. The Parochial Church Council is publicly elected and, in larger parishes, it is the supreme decision-making body.

#### *Policy and Legislation*

Sweden was the first European country to enact legislation on National Parks under the provisions of its Protection of Nature Act in 1909. This has since been replaced by the Nature Conservancy Act, 1964 (No. 822 in the Swedish Statute Role), which is the most important of protected areas legislation. It prescribes ways in which National Parks, nature reserves and natural monuments are to be established and managed, as well as defining methods by which plants and animals can be afforded protection. A Royal proclamation issued in 1964 lays down ways in which the Act must be implemented and administered. The Act also provides further conditions for nature conservation by requiring consultation with the County Administrative Board, prior to any activity which may lead to the 'significant alteration of nature'. In addition to the 1964 Act, provisions for nature conservation are also included in forestry legislation.

#### *National parks*

The Nature Conservancy Act (1964:822) provides for the designation of National Parks: Individual sites must be approved by separate acts of Parliament, involving a lengthy administration process. The degree of protection is to some extent dependant upon the by-laws drawn up for each site. National parks can be designated only on land owned by the Crown. The Nature Conservancy Act (1964:822) states the following:

**Section 4** For the purpose of preserving extensive connected areas of a particular type of landscape in its natural state, or essentially unchanged, land belonging to the state can be set aside as a National Park.

**Section 5** The government or the authority appointed by the government issues regulations concerning the care and management of National Parks. The government or the authority appointed by the government may, for each particular National Park, issue regulations concerning the right to cross the National Park or otherwise frequent it, and concerning the maintenance or order generally of the area, which are necessary to fulfil the purpose of the National Parks.

### *Nature Reserves*

These are also designated under the Nature Conservancy Act (1964:822). Their selection criteria are varied, enabling them to be set up for scientific, recreational or aesthetic reasons. Nature reserves can be established on either Crown land or privately-owned land. The Nature Conservancy Act outlines the following criteria:

**Section 7** An area that is considered worthy of special protection or care, owing to its importance for knowledge of Sweden's natural environment, its beauty or some other distinctive feature, or because of its essential importance to the public for outdoor recreation, may be declared by the County Administrative Board to be a nature reserve. The County Administrative Board may not set aside an area as a nature reserve if the purpose of the measure can, in all essentials, be fulfilled by declaring the area a nature-conservation area instead.

**Section 8** A decision to form a new nature reserve shall state the grounds for the decision and prescribe the restrictions on the right to utilise property that are considered necessary to fulfil the purpose of the nature reserve. Should it be subsequently considered that the nature reserve should be established on a new basis or that further restrictions are required, the County Administrative Board is entitled to administer decisions thus called for.

The Act also states that if the nature reserve requires what could be deemed an unfavourable encroachment upon the land owner, the County Administrative Board may enjoin the owner to tolerate it. The government or the authority appointed by the government has the power to issue regulations to be observed by the public in the nature reserve that are required to fulfil the purpose of the nature reserve. Also, under the Act and special circumstances, the County Administrative Board can grant exemptions from reserve regulations.

## **16.2 Purposes**

### *National Parks*

National parks are created to ensure an ecologically sound management of resources, so that national productivity and species diversity can be maintained for future generations. They are also created to provide for and encourage outdoor recreation interests, employment, and tourism and to promote international goodwill. National parks are afforded the highest protection status of any designation, including nature reserves.



*"In National Parks the natural environment shall be protected. The landscape together with its flora and fauna and any natural and cultural sites shall be protected from construction, pollution and any other encroachment". (Law for the Protection of Nature).*

### *Nature Reserves*

Nature reserves are also designated to preserve valuable natural environments and can vary in character from small sites of geological or botanical interest to large areas of great variation. Many are established for purposes of outdoor recreation, but there are others intended solely for scientific investigation. Many serve more than one purpose, and consequently provide a more flexible form of protection than National Parks.

## **16.3 Selection and Establishment**

### *National Parks*

In brief, National parks should meet the following criteria:

- Consist of areas with representative or unique types of Swedish landscape in a system covering the whole country;
- Consist of untouched natural landscape or landscape which is nearly natural;
- Contain landscape formations, features or natural environments that are magnificent or highly unusual and which have high scientific value;
- Cover a large area, normally at least 1,000 hectares;
- Can be used within reasonable limits for outdoor recreational purposes and research provided natural values are not threatened.

(Source: Naturvårdsverket Nationalparksplan För Sverige. Informerar. Stockholm).

By law, only state-owned land can be a National Park. In order to establish a National Park, the Swedish Environment Agency has to buy the proposed area from the landowner. The park cannot be established if negotiations fail and the offer is refused.

After purchasing the land, the Swedish Environmental Protection Agency writes to the government and asks for a decision by Parliament. The government writes an official Bill which is then sent to Parliament for approval. After the Parliament has approved the designation, it remains for the government to decide on the purpose and boundaries of the new National Park. The procedure is reliant upon both local and regional authorities agreeing on the Agency's proposal and requires comprehensive inventory and investigative research. A management plan is then drawn up and the National Park is finally opened by his Majesty the King (G. Zettersten, Swedish Environmental Protection Agency, *in litt.*, 1998).

### *Nature Reserves*

Nature reserves contain valuable wildlife resources. They may be designated on national, municipal or even privately-owned property and are established by the County Administrative Boards. Nature reserves offer a lower status of protection than that of National Parks. Moreover, some of the older National Parks do not meet current criteria for National Park



selection, although they retain their title for historical reasons. By contrast, the objectives of a nature reserve can be very different and even unspecified; this is especially the case of the older reserves (Swedish Environmental Protection Agency, 1991).

#### **16.4 Administrative Arrangements**

At the government level, nature conservation and biological diversity are the responsibility of the Ministry of the Environment. Much of the groundwork for the Environment Ministry's legislative proposals in the area of nature conservation is done by the Swedish Environmental Protection Agency, the country's central environmental authority. The Agency has about 400 full-time staff.

##### *National Parks*

The Swedish Environmental Protection Agency administers the Nature Conservation Fund, which essentially gives it responsibility for the management of National Parks and state-owned protected areas, in consultation with the county administrations. It issues regulations concerning National Parks and designates their management authorities, in consultation with the local administrations. It also formulates management policy and issues instructions regarding management and utilisation. In 1992, county administrations were given greater responsibilities regarding National Parks.

A management plan is drawn up for each National Park. An Administrator heads the National Parks Authority. Responsibilities include inventorying fauna and flora, and ensuring that disturbances created by visitors are controlled.

##### *Nature Reserves*

There are a total of 21 county administrations across Sweden, each with its Board that is responsible for conservation work. The Board establishes and manages nature reserves, nature conservation areas, natural monuments and wildlife sanctuaries in consultation with the Swedish Environmental Protection Agency. Similarly, in consultation with the Agency, it issues management regulations and designates management authorities responsible for the day-to-day running of the protected areas. The Board obtains grants from the Agency for the management of protected areas, and is responsible for biological surveys, preparation of management plans and production of information about protected areas.

#### **16.5 Powers and Policies**

In Sweden all people have the right, subject to certain limitations, to cross, at least on foot, other people's property, including protected areas, and to remain there for short periods.

##### *National Parks*

Although regulations governing their use may vary, there are usually strict controls preventing forest felling, hunting, trapping, damage to soil or other vegetation, and camping and lighting fires outside authorised sites.

## *Nature Reserves*

Restricted activities are as follows: building, erection of fences, mining and quarrying operations, cultivation, ditching, planting, felling, hunting, fishing, and use of pesticides. Typically, the land-owner is forbidden to erect buildings, or to use pesticides, and hunting by the land-owner may also be forbidden or restricted. Many nature reserves are managed according to a non-interference policy, but some are managed to actively maintain their scientific value.

### **16.6 Funding**

Almost all costs are borne by the Swedish Environmental Protection Agency. In the case of Tyresta National Park, the Agency and the two communities involved in the site (former owners) have set up a foundation to fund management of the park (G. Zettersten, *in litt.*, 1998).

### **16.7 Guiding Principles of Management**

#### *National Park*

In general, policies include:

- Protecting 'high quality' areas from exploitation, both in the interests of the natural environment and because of their value in human terms. National parks are for research and also to ensure that future generations can experience untouched Swedish nature.
- Maintaining traditional methods of cultivation, including hindering the overgrowth of open land.

In Lapland, the Lapps are specifically exempted from certain regulations. They may use a National Park as a range for their reindeer, and for hunting and fishing. Rights may also include the cutting of mature timber.

### **16.8 Wider Context**

#### *International Designations*

Sweden participates in all three global conventions and programmes concerned with protected areas (i.e. Ramsar, UNESCO Man and the Biosphere Programme and World Heritage Convention). To date, only one World Heritage natural site (Laponian) and one biosphere reserve (Lake Torne) have been designated, together with a number of Ramsar sites.

### **16.9 Key Points**

#### *General*

- Common property law applies to all protected areas, whereby anyone has the right to enter other people's property for short periods.

### *National Parks*

- Large (> 1,000 ha), untouched areas that represent different types of Swedish landscape.
- Must lie on crown land, and individually established by act of Parliament. Landowner may refuse to sell land to government, in which case National Park cannot be established.
- Afforded highest level of protection and more familiar to the public than nature reserves. Indigenous peoples (Lapps) retain certain rights.
- Objectives include maintenance of biodiversity, employment, recreation, tourism and promotion of international goodwill.
- Funded largely by Swedish Environmental Protection Agency.

### *Nature Reserves*

- Area worthy of protection because of its natural, environmental importance, its beauty or its value for recreation.
- Vary in character from small sites of geological or botanical interest to areas larger than National Parks.
- Represent a more flexible form of protection than National Parks. Many are established for the purpose of outdoor recreation , but others are intended solely for the purpose of scientific research.
- Established on public or private land by the County Administrative Board.
- Funded by County Administrative Board from grants awarded by the Swedish Environmental Protection Agency.



## REFERENCES

Note: Unless indicated otherwise, material is based on IUCN (1992)

- Adams, W.M. (1996). *Future Nature*. Earthscan, London.
- Anon. (not dated). *The Hohe Tauern National Park (Tyrol)*.
- ANPA (1995). *Annual Review of 1995*. Association of National Park Authorities, Moretonhampstead.
- Bennett, G. (Ed.) (1991). *Towards a European Ecological Network*. Institute for European Environmental Policy, Arnhem.
- Bibelriether H., Diepholder, U. and Wimmer, B. (FÖNAD) (1997). *Studie über bestehende und potentielle Nationalparke in Deutschland*. Angew. Landschaftsökologie Heft 10. Bonn Bad- Godesberg. 376pp.
- Brady Shipman Martin (1996). *Burren National Park Study: Draft Management Plan*. Stationery Office, Dublin.
- Broads Authority (1997a). *Broads Plan 1997*. Broads Authority, Norwich.
- Broads Authority (1997b). *Corporate Financial Plan 1998/99-2000/01*. Broads Authority, Norwich.
- CNPPA (1995). *The IUCN's project for conservation areas in Europe (1994)*. Nationalpark Hohe Tauern. Nationalparkverwaltung Salzburg. German Federal Agency for Nature Conservation. 1997. The management and protection of Category II -sites in Europe, Austria, unpublished questionnaire.
- Council of Europe (1996) *The Pan-European Biological and Landscape Diversity Strategy*. Council of Europe, Strasbourg.
- Countryside Commission (1976). *The Broads: A Consultation Paper*. Countryside Commission, Cheltenham.
- Countryside Commission (1977). *The Broads: Possible courses of action, CCP 104*. Countryside Commission, Cheltenham.
- Countryside Commission (1983). *The Broads: A review, CCP 158*. Countryside Commission, Cheltenham.
- Countryside Commission (1984). *The Broads: A review - conclusions and recommendations, CCP 163*. Countryside Commission, Cheltenham.
- Countryside Commission (1997a). *Conserving the South Downs: Providing for their Needs*. Countryside Commission, London.
- Countryside Commission (1997b). *National Park Management Plans Guidance*. Countryside Commission, Cheltenham.
- Cumming, R. and Truscott, R. (1995a). *France: Planning and the Role of the Parcs Naturels Régionaux, Report on the Natural and Built Environment*, April, pp.8-10.
- Cumming, R. and Truscott, R. (1995b). *L'espace Naturel Régional: Région Nord-Pas De Calais, Report on the Natural and Built Environment*, June, pp.12-14.

- Cumming, R. and Truscott, R. (1995c) *Le Boulonnais: a case study, Report on the Natural and Built Environment*, May, pp.6-8.
- Dearden, P. and Rollins, R. (1993). *Parks and Protected Areas in Canada: planning and management*. Oxford University Press, Toronto. xiv + 336 pp.
- Department of the Environment and Welsh Office (1992). *Fit for the Future: A statement by the Government on policies for National Parks*. Department of the Environment, London.
- DoE (1996a). *Circular 12/96: Environment Act 1995, Part III National Parks*. The Stationery Office, London.
- DoE (1996b). *National Park Authorities in England: Financial Grant Memorandum*. Department of the Environment, Bristol.
- DoE (1997). *Planning Policy Guidance: The Countryside – Environmental Quality and Economic and Social Development*. The Stationery Office, London.
- Dower, J. (1945). *National Parks in England and Wales, Cmd. 6628*. HMSO, London.
- Dwyer, J. (1991). Structural and Evolutionary Effects Upon Conservation Policy Performance: Comparing a U.K. National and French Regional Park. *Journal of Rural Studies*, 7, 265-275.
- Environment Canada. (1991). *State of the Parks Report 1990 (Canada's Green Plan)*. 2 volumes. Canadian Parks Service, Environment Canada, Ottawa.
- Environment Canada. (1992). *Canadian Parks Service monthly attendance – June 1992*. Canadian Parks Service, Ottawa. 20 pp.
- Finkelstein, M. (1992). National Park Dreams. *Borealis*, 3(2)10, 32-42.
- Government of Canada. (1991). *The State of Canada's Environment*.
- Green Balance (1996). *The Achievements and Effectiveness of the Sussex Downs Conservation Board*. (Unpublished report to the Countryside Commission), Green Balance, Kemsing.
- Green, M.J.B. and Paine, J.R. (1997). *State of the world's protected areas at the end of the twentieth century*. Paper presented at IUCN World Commission on Protected Areas Symposium on "Protected Areas in the 21<sup>st</sup> Century: From Islands to Networks", Albany, Australia, November 1997. 41pp.
- Harrison, J. and Phillips, A. (1997). International Standards in Establishing National Parks and Other Protected Areas. *The George Wright Forum*, 14, 29-38.
- Hickie, D. (1997). *Evaluation of Environmental Designations in Ireland (Second Edition)*. The Heritage Council, Kilkenny.
- Hobhouse Committee (1947). *Report of the National Parks Committee (England and Wales), Cmd. 7121*. HMSO, London.
- Hobhouse Committee (England and Wales) (1947). *Report of the National Parks Committee (England and Wales), Cmd. 7121*. HMSO, London.
- Hummel, M. (Ed.) (1989). *Endangered Spaces, the Future for Canada's Wilderness*. Key Porter Books, Toronto. 288 pp.

- IUCN (1978). *Categories, Objectives and Criteria for Protected Areas*. IUCN, Morges, Switzerland.
- IUCN (1992). *Protected Areas of the World: A Review of National Systems. Volume 2: Palaearctic*. Prepared by the World Conservation Monitoring Centre. IUCN, Gland, Switzerland and Cambridge, United Kingdom.
- IUCN (1994). *Guidelines for Protected Area Management Categories*. IUCN, Gland, Switzerland and Cambridge, UK.
- IUCN (1998). *1997 United Nations List of Protected Areas*. Prepared by WCMC and WCPA. IUCN, Gland, Switzerland and Cambridge, UK. lxii + 412 pp.
- Kun, S. (1981). *An Overview of Canada's National Parks*. Paper presented to the 16th International Seminar on National Parks and Equivalent Reserves, Jasper National Park, 5 August 1981. 17 pp.
- Lammers, G.W. and van Zadelhoff, F.J. (1996). The Dutch national ecological network. In: Nowicki *et al.* (eds) 1996. *Perspectives on ecological network*. ECNC, The Netherlands.
- McCloskey, C. (1996). *PEBLDS (The Pan-European Biological and Landscape Diversity Strategy) Explained*. IUCN, Cambridge.
- Ministry of Agriculture, Nature Management and Fisheries (1990) *Nature Policy Plan*. Ministry of Agriculture, Nature Management and Fisheries, The Hague.
- Mosquin BioInformation and P.G. Whiting and Associates. (1992). *Canada country study of biodiversity: Taxonomic and ecological census, economic benefits, conservation costs and unmet needs*. Ottawa, Ontario. 250 pp.
- National Parks Review Panel (1991). *Fit for the Future, CCP 334*. Countryside Commission, Cheltenham.
- Nature Conservancy Council (1967). *Report on Broadland*. Nature Conservancy Council, Peterborough.
- New Forest Committee (1996). *A Strategy for the New Forest*. New Forest Committee, Lyndhurst.
- New Forest Committee (1997). *New Forest Committee Proposed Business Plan 1997 - 2002*. New Forest Committee, Lyndhurst.
- New Forest Committee (1998). *Draft Proposals for the Special Protection of the New Forest Heritage Area*. New Forest Committee, Lyndhurst.
- New Forest Review (1989). *Report of the New Forest Review Group*.
- Office of Public Works (1990). *Killarney National Park Management Plan*. Stationery Office, Dublin.
- Official Journal of the House of Commons, Written Answers, 14 July 1992, col. 768.
- Ostermann, O. (1997). *Nationalparkpläne - Wozu ? in Nationalparkpläne in Deutschland - Bilanz und Perspektiven*. Unpublished Report from a workshop in Leck, December 1997.
- Parc National des Ecrins. (1997). *Rapport d'Activités 1996*. Ministère de l'Aménagement du Territoire et de l'Environnement.



- Peak District National Park Authority (1988). *Draft Ranger Service Delivery Plan*. Peak District National Park Authority, Bakewell.
- RPS Cairns (1997). *Wicklow Mountains National Park Study*. Stationery Office, Dublin.
- Sandford Committee (1974). *Review of National Park Policies*. HMSO, London.
- Scharinger, B. (1997). *Rechtsgrundlagen für die Errichtung von Nationalparks in Deutschland, Österreich, der Schweiz und Italien*. Dissertation. University of Bamberg.
- Scottish Natural Heritage (1998). *Developing Proposals for National Parks in Scotland: Your first chance to contribute*. Scottish Natural Heritage, Perth.
- Snowdonia National Park Authority (1997). *Eryri Local Plan (Written Statement)*. Snowdonia National Park Authority, Penrhyndeudraeth.
- Stadler, C., Slupetzky, H. and Kremser, H. (1996). Nature conservation, traditional living space, or tourist attraction? The Hohe Tauern National Park, Austria. *Mountain Research and Development*, **16**, 1-16.
- Sussex Downs Conservation Board (1993). *Annual Report of the Sussex Downs Conservation Board 1992/93*. Sussex Downs Conservation Board, Storrington.
- Sussex Downs Conservation Board (1996). *Annual Report of the Sussex Downs Conservation Board 1995/96*. Sussex Downs Conservation Board, Storrington.
- Sussex Downs Conservation Board (1997). *Annual Report of the Sussex Downs Conservation Board 1996/97*. Sussex Downs Conservation Board, Storrington.
- Swedish Environmental Protection Agency. (1991). *Ecological Nature Conservation in Sweden*. Stockholm. Report 3828.
- Thackway, R., Szabo, S. and Smyth, D. (1996). Indigenous Protected Areas: New Opportunities for the Conservation of Biodiversity. In Longmore, R. (Ed.) *Biodiversity: Broadening the Debate*, Australian Nature Conservation Agency, Canberra. pp. 18-34.
- Turner, A.M., Rubec, C.D.A. and Wiken, E.B. (1991). *Canadian Ecosystems: a systems approach to their conservation*. Paper presented to the International Conference on the Science and Management of Protected Areas (SAMPAs), 14-19 May, 1991, Acadia University, Wolfville, Nova Scotia.
- Waugh, J.D. and Perez Gil, R. (1992). *North America Regional Review*. Paper presented to the IV World Congress on National Parks and Protected Areas, Caracas, Venezuela, 10-21 February 1992.
- WWF. (1992). *Endangered spaces: Progress report no. 3*. World Wildlife Fund, Canada, Toronto, Ontario. 42 pp.

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## SCOTTISH NATURAL HERITAGE

Scottish Natural Heritage is an independent body established by Parliament in 1992, responsible to the Secretary of State for Scotland.

Our task is to secure the conservation and enhancement of Scotland's unique and precious natural heritage - the wildlife, the habitats, the landscapes and the seascapes - which has evolved through the long partnership between people and nature.

We advise on policies and promote projects that aim to improve the natural heritage and support its sustainable use.

Our aim is to help people to enjoy Scotland's natural heritage responsibly, understand it more fully and use it wisely so that it can be sustained for future generations.